

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS A. PICKENS,
INDIVIDUALLY AND AS TRUSTEE
OF THE LV BLUE TRUST,

Appellant,

vs.

DR. DANKA K. MICHAELS,
INDIVIDUALLY AND AS TRUSTEE
OF THE MICH-MICH TRUST,

Respondent;

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Elizabeth A. Brown
Clerk of Supreme Court

S.C. DOCKET NO.: 83491
D.C. Case No. D-17-560737-D

APPENDIX

Volume XXXVI of XXXVII

ATTORNEYS FOR APPELLANT

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CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Complaint for Divorce and for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest	10/24/2017	I/AA00001-00015
Request for Issuance of Joint Preliminary Injunction	10/25/2017	I/AA00016
Affidavit of Process Server	11/02/2017	I/AA00017-00022
Notice of Appearance of Attorney	11/27/2017	I/AA00023-00024
Appendix of Exhibits in Support of Defendant's Motion to Dismiss	11/29/2017	I/AA00025-00044
Motion to Dismiss	11/29/2017	I/AA00045-00061
Petition to Seal Records Pursuant to NRS 125.110(2)	12/15/2017	I/AA00062-00063
Exhibit Appendix to Opposition to Defendant's Motion to Dismiss and Countermotion for Attorney's Fees and Costs	12/20/2017	I/AA00064-00093
Motion Opposition Fee Information Sheet	12/20/2017	I/AA00094
Opposition to Defendant's Motion to Dismiss and Countermotion for Attorney's Fees and Costs	12/20/2017	I/AA00095- I/AA00111
Order to Seal Records Pursuant to NRS 125.110(2)	12/22/2017	I/AA00112- I/AA00113
Stipulation and Order to Continue Hearing	12/28/2017	I/AA00114- 000115
Notice of Entry of Stipulation and Order	12/29/2017	I/AA00116- 000119
Notice of Entry of Order to Seal Records	01/03/2018	I/AA00120-00124
Reply to Opposition to Defendant's Motion to Dismiss and Opposition to Countermotion for Attorney's Fees and Costs	01/09/2018	I/AA00125-00141
Court Minutes	01/25/2018	I/AA00142-00143
Court Minutes	02/23/2018	I/AA00144-00145
Order	03/09/2018	I/AA00146-00154

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Notice of Entry of Order	03/12/2018	I/AA00155-00164
Order	03/12/2018	I/AA0065-00173
First Amended Compliant for Divorce; for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest; and for Alternative Equitable Relief Under the Putative Spouse Doctrine	03/22/2018	I/AA00174-00188
Answer to First Amended Complaint for Divorce; for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest; and for Alternative Equitable Relief Under the Putative Spouse Doctrine; Affirmative Defenses and Counterclaim	05/02/2018	I/AA00189-00211
Reply to Defendant's Counterclaim	05/30/2018	I/AA00212-00219
Plaintiff, Danka K. Michaels' Initial Expert Witness List	07/11/2018	I/AA00220-00229
Declaration of Service	07/13/2018	I/AA00230
Joint Early Case Conference Report Pursuant to N.R.C..P 16.2(i)(2)	07/13/2018	I/AA00231-00237
Declaration of Service	07/19/2018	I/AA00238
Order Setting Case Management Conference and Directing Compliance with NRCP 16.2	07/31/2018	I/AA00239-00242
Declaration of Service Robert Semonian	08/03/2018	I/AA00243
Declaration of Service Shannon L. Evans	08/03/2018	I/AA00244
Motion for Leave to File Second Amended Complaint	09/07/2018	I/AA00245- II/AA00270
Motion Opposition Fee Information Sheet	09/07/2018	II/AA00271
Case and Trial Management Order	09/10/2018	II/AA00272- 00274
Court Minutes	09/10/2018	II/AA00275- 00276

**CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE No.
Certificate of Service	09/11/2018	II/AA00277-00278
Stipulation and Order Granting Leave to File Second Amended Complaint, and Vacating Motion Hearing	10/08/2018	II/AA00279-00281
Notice of Entry of Stipulation and Order	10/10/2018	II/AA00282-00287
Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest	10/15/2018	II/AA00288-00305
Answer to Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest; Affirmative Defenses and Counterclaim	11/19/2018	II/AA00306-00329
Declaration of Danka K. Michaels in Support of Answer to Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest; Affirmative Defenses and Counterclaim	11/21/2018	II/AA00330-00332
Order After Hearing of September 10, 2018	12/11/2018	II/AA00333-00336

**CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Reply to Defendant’s Counterclaim	12/12/2018	II/AA00337-00344
Notice of Entry of Order	12/17/2018	II/AA00345-00351
Motion Opposition Fee Information Sheet	01/08/2019	II/AA00352
Motion to Withdraw as Attorney of Records for Plaintiff	01/08/2019	II/AA00353-00358
Certificate of Service	01/09/2019	II/AA00359-00360
Order Granting Withdrawal as Attorney of Record for Plaintiff	02/05/2019	II/AA00361-00362
Notice of Entry of Order	02/06/2019	II/AA00363-00367
Notice of Taking Videotaped Deposition	02/15/2019	II/AA00368-00370
Defendant’s Witness List (Non-Expert)	02/20/2019	II/AA00371-00375
Amended Notice of Taking Videotaped Deposition	03/05/2019	II/AA00376-00378
Second Amended Notice of Taking Videotaped Deposition	03/05/2019	II/AA00379-00381
Notice of Appearance	03/08/2019	II/AA00382-00383
Notice of Department Reassignment	03/11/2019	II/AA00384-00385
Peremptory Challenge of Judge	03/11/2019	II/AA00386-00388
Case Management Order – Domestic	03/21/2019	II/AA00389-00394
Notice of Attorney’s Lien	04/05/2019	II/AA00395-00397

**CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Appendix of Exhibits in Support of Defendant's Motion to Compel Discovery Responses	04/22/2019	II/AA00398-00440
Defendant's Motion to Compel Discovery Responses	04/22/2019	II/AA00441-00458
Notice of Hearing	04/22/2019	II/AA00459
Defendant's Supplemental Witness List (Non-Expert)	04/24/2019	II/AA00460-00464
Notice of Unavailability of Counsel	05/08/2019	II/AA00465-00467
Appendix of Exhibits to Plaintiff's Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/13/2019	II/AA00468-00495
Plaintiff's Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/13/2019	II/AA00496-III/AA00516
Reply in Support of Defendant's Motion to Compel Discovery Responses	05/15/2019	III/AA00517-00522
Plaintiff's Supplement to Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/21/2019	III/AA00523-00527
Stipulation and Order RE: Motion to Compel	05/28/2019	III/AA00528-00534
Notice of Entry of Stipulation and Order RE: Motion to Compel	05/29/2019	III/AA00535-00543
Receipt of Check	06/03/2019	III/AA00544
Notice of Entry of Stipulation and Order to Continue	06/13/2019	III/AA00545-00551
Stipulation and Order to Continue	06/13/2019	III/AA00552-00556
Stipulation and Order to Vacate Discovery Hearing	06/18/2019	III/AA00557-00559
Notice of Entry of Stipulation and Order to Vacate Discovery Hearing	06/19/2019	III/AA00560-00564

**CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE No.
Satisfaction and Release of Lien	07/31/2019	III/AA00565-00566
Appendix of Exhibits in Support of Defendant’s Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees	08/01/2019	III/AA00567-IV/AA00702
Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees	08/01/2019	IV/AA00703-00736
Notice of Hearing	08/01/2019	IV/AA00737
Notice of Unavailability of Counsel	08/05/2019	IV/AA00738-00740
Stipulation to Extend Discovery Deadlines and Continue Trial (First Request) and Order Continuing Trial	08/05/2019	IV/AA00741-00745
Plaintiff’s Opposition to Defendant’s Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion for Leave of Court to File Supplemental Points and Authorities	08/12/2019	IV/AA00746-V/AA00754
Notice of Entry of Stipulation and Order	08/16/2019	V/AA0055-00762

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Appendix of Exhibits to Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion 1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	08/19/2019	V/AA00763-00813
Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for International Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	08/19/2019	V/AA00814-00843
Declaration of Service	09/05/2019	V/AA00844

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Appendix of Exhibits in Support of Reply to Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Opposition to Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	09/06/2019	V/AA00845-00861
Reply to Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Opposition to Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	09/06/2019	V/AA00862-00879
Minute Order	09/10/2019	V/AA00880-00881

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Declaration of Service	11/01/2019	V/AA00882
Notice of Taking Custodian of Records Deposition and Seven Day Notice of Intent to Serve Subpoena Duces Tecum	12/09/2019	V/AA00883- 00885
Declaration of Service	12/20/2019	V/AA00886
Defendant's Second Supplemental Witness List (Non-Expert)	12/27/2019	V/AA00887- 00891
Trial Subpoena Robert Semonian	01/28/2020	V/AA00892- 00898
Trial Subpoena Shannon L. Evans, Esq.	01/28/2020	V/AA00899- 00905
Trial Subpoena	01/29/2020	V/AA00906- 00909
Declaration of Service	02/04/2020	V/AA00910
Declaration of Service	02/05/2020	V/AA00911
Stipulation and Order to Extend Filing of Pre- Trial Memorandum and Trail Exhibits	02/06/2020	V/AA00912- 00913
Defendant's Pre-Trial Memorandum	02/07/2020	V/AA00914- 00932
Plaintiff Thomas Pickens Pretrial Memorandum	02/07/2020	V/AA00933- 00950
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/10/2020	V/AA00951- 00954
Plaintiff Thomas Pickens General Financial Disclosure Form-Trial	02/11/2020	V/AA00955- 00962
Receipt of Copy	02/11/2020	V/AA00963
General Financial Disclosure Form	02/13/2020	V/AA00964- 00981
Notice of Non-Opposition to Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/13/2020	V/AA00982- VII/AA01254

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Supplemental Exhibit in Support of Notice of Non-Opposition to Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/13/2020	VII/AA01255-VIII/AA01727
Court Minutes	02/14/2020	VIII/AA01728
Notice of Intent to Appear by Communication Equipment	02/20/2020	VIII/AA01729-IX/01768
Plaintiff's Request for the Court to take Judicial Notice Pursuant to NRS 47.130	02/20/2020	IX/AA01769-01770
Plaintiff's Request for the Court to take Judicial Notice Pursuant to NRS 47.130	02/20/2020	IX/AA01771-01780
Court Minutes	02/21/2020	IX/AA01781-01793
Notice of Hearing	03/20/2020	IX/AA01794-01798
Stipulation and Order to Continue Day Three of Trial	06/24/2020	IX/AA01799-01800
Notice of Entry of Stipulation and Order	06/25/2020	IX/AA01801-01810
Notice of Change of Firm	06/26/2020	IX/AA01811-01819
Court Minutes	07/20/2020	IX/AA01820-01823
Estimated Cost of Expedited Transcripts	07/22/2020	IX/AA01824-01826
Notice of Hearing	08/26/2020	IX/AA1827-X/AA2051
Final Billing for Transcripts	09/01/2020	X/AA02052-02054
Transcript RE: Non-Jury Trial	09/01/2020	X/AA02055-02070
Transcript RE: Non-Jury Trial Day 2	09/01/2020	X/AA02071-02086

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Notice of Appearance of Co-Counsel for Defendant	10/16/2020	X/AA02087-02122
Notice of Hearing	10/26/2020	X/AA02123-02190
Notice of Hearing	11/17/2020	X/AA02191-02201
Notice of Hearing	11/25/2020	X/AA02202-02209
Court Minutes	01/22/2021	X/AA02210-02220
Notice of Hearing	01/22/2021	X/AA02221-02232
Notice of Change of Firm Address	01/27/2021	X/AA02233-02243
Notice of Hearing	02/23/2021	X/AA02244-XI/AA02252
Court Minutes	03/05/2021	XI/AA02253-02261
Notice of Hearing	03/08/2021	XI/AA02262-02271
Court Minutes	03/12/2021	XI/AA02272-02284
Court Minutes	04/02/2021	XI/AA02285-02301
Defendant's EDCR 7.27 Brief	04/02/2021	XI/AA02302-02320
Stipulation and Order to Extend Briefing Deadlines	04/14/2021	XI/AA02321-02329
Notice of Entry of Stipulation and Order	04/19/2021	XI/AA02330-02351
Stipulation and Order to Extend Briefing Deadline	04/22/2021	XI/AA02352-02369

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Closing Argument	04/23/2021	XI/AA02370-02834
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02835-02406
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02407-02424
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02425-02443
Defendant's Closing Argument Brief	05/28/2021	XI/AA02444-02467
Stipulation and Order to Extend Deadline for Plaintiff to File His Rebuttal Brief	06/14/2021	XI/AA02468-02488
Plaintiff's Rebuttal to Defendant's Closing Argument	06/15/2021	XI/AA02489-XII/AA02524
Notice of Change of Firm Address	08/01/2021	XII/AA02525-02567
Findings of Fact, Conclusions of Law and Judgement	08/03/2021	XII/AA02568-02613
Notice of Entry of Findings of Fact, Conclusions of Law, and Judgement	08/05/2021	XII/AA02614-02657
Defendant Danka K. Michaels Memorandum of Fees and Costs	08/25/2021	XII/AA02658-02671
Exhibit of Appendix to Defendant Danka K. Michaels Memorandum of Fees and Costs	08/25/2021	XII/AA02672-02716
Case Appeal Statement	09/02/2021	XII/AA02717-02743
Notice of Appeal	09/02/2021	XII/AA02744-XIII/AA02768
Estimated Cost of Transcript	09/07/2021	XIII/AA02769-02791
Estimated Costs of Transcript	09/07/2021	XIII/AA02792-02822

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Plaintiff's Objection to Defendant Danka K. Michaels' Memorandum of Fees and Costs	09/07/2021	XIII/AA02823-02854
Defendant's Reply to Plaintiff's Objection to Memorandum of Fees and Costs	09/20/2021	XIII/AA02855-02885
Certification of Transcripts Notification of Completion	10/28/2021	XIII/AA02886-02913
Final Billing for Transcripts	10/28/2021	XIII/AA02914-02956
Transcript RE: Non-Jury Trial Day 3	10/28/2021	XIII/AA02957-XIV/AA03007
Transcript RE: Non-Jury Trial Day 4	10/28/2021	XIV/AA03008-03040
Transcript RE: Non-Jury Trial Day 5	10/28/2021	XIV/AA03041-03054
Receipt of Copy	11/10/2021	XIV/AA03055-03069
Plaintiff's Trial Exhibit 1 - Photographs of the parties' wedding on April 7, 2002 and announcement	02/14/2020	XIV/AA03070-03083
Plaintiff's Trial Exhibit 2 - Litterae Matrimoniales (Marriage Certificate) of Thomas Pickens and Danka Katarina Oltusova dated April 7, 2002	02/14/2020	XIV/AA03084-03096
Plaintiff's Trial Exhibit 3 - Medical Records for Tom Pickens produced by Danka Michaels, his physician	02/14/2020	XIV/AA03097-03111
Plaintiff's Trial Exhibit 4 - Nevada Prescription Monitoring Program Prescription log for Tom Pickens	02/14/2020	XIV/AA03112-03116
Plaintiff's Trial Exhibit 5 - Chain of Title with Applicable Deeds for 9517 Queen Charlotte Drive, Las Vegas, Nevada 89145	02/14/2020	XIV/AA03117-03127

CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Plaintiff’s Trial Exhibit 6 - Chain of Title with Applicable Deeds for 7608 Lowe Avenue, Las Vegas, Nevada 89131	02/14/2020	XIV/AA03128-03136
Plaintiff’s Trial Exhibit 7 - Affidavit of Custodian of Records and file from First American Title Company—purchase of 9517 Queen Charlotte Drive, Las Vegas, Nevada 89145 on October 7, 2004	02/14/2020	XIV/AA03137-03150
Plaintiff’s Trial Exhibit 8 - Certificate of Custodian of Records for Ticor Title of Nevada—purchase of 7608 Lowe Avenue, Las Vegas, Nevada 89131 on February 28, 2011	02/14/2020	XIV/AA03151-03164
Plaintiff’s Trial Exhibit 9 - 2005 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA3165-03180
Plaintiff’s Trial Exhibit 10 - 2006 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03181-03196
Plaintiff’s Trial Exhibit 11 - 2007 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03197-03210
Plaintiff’s Trial Exhibit 12 - 2008 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03211-03224
Plaintiff’s Trial Exhibit 13 - 2009 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03225-XV/AA03262
Plaintiff’s Trial Exhibit 14 - 2010 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03263-03319
Plaintiff’s Trial Exhibit 15 - 2011 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03320-03372
Plaintiff’s Trial Exhibit 16 - 2012 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03373-03429
Plaintiff’s Trial Exhibit 17 - 2013 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03430-03478
Plaintiff’s Trial Exhibit 18 - 2014 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03479-03494

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Plaintiff's Trial Exhibit 19 - 2015 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03495- XVI/AA03543
Plaintiff's Trial Exhibit 20 - 2016 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XVI/AA03544- 03639
Plaintiff's Trial Exhibit 21 - 2005 1040 Income Tax Return for Danka Michaels	02/14/2020	XVI/AA03640- 03735
Plaintiff's Trial Exhibit 22 - 2006 1040 Income Tax Return for Danka Michaels	02/14/2020	XVI/AA03736- XVII/AA03823
Plaintiff's Trial Exhibit 23 - 2007 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03824- 03848
Plaintiff's Trial Exhibit 24 - 2008 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03849- 03998
Plaintiff's Trial Exhibit 25 - 2009 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03999 XVIII/AA04127
Plaintiff's Trial Exhibit 26 - 2010 1040 Income Tax Return for Danka Michaels	02/14/2020	XVIII/AA04128- 04239
Plaintiff's Trial Exhibit 27 - 2011 1040 Income Tax Return for Danka Michaels	02/14/2020	XVIII/AA04240- XIX/AA04361
Plaintiff's Trial Exhibit 28 - 2012 1040 Income Tax Return for Danka Michaels	02/14/2020	XIX/AA04362- 04482
Plaintiff's Trial Exhibit 29 - 2013 1040 Income Tax Return for Danka Michaels	02/14/2020	XIX/AA04483- XX/AA04646
Plaintiff's Trial Exhibit 30 - 2014 1040 Income Tax Return for Danka Michaels	02/14/2020	XX/AA04647- XXI/AA04755
Plaintiff's Trial Exhibit 31 - 2015 1040 Income Tax Return for Danka Michaels	02/14/2020	XXI/AA04756- 04842
Plaintiff's Trial Exhibit 32 - 2016 1040 Income Tax Return for Danka Michaels	02/14/2020	XXI/AA04843- 04879
Plaintiff's Trial Exhibit 35 - 2006 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXI/AA04880- 04908

CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Plaintiff’s Trial Exhibit 36 - 2007 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXI/AA04909- XXII/AA05059
Plaintiff’s Trial Exhibit 37 - 2008 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXII/AA05060- 05200
Plaintiff’s Trial Exhibit 38 - 2009 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXII/AA05201- XXIII/AA05305
Plaintiff’s Trial Exhibit 39 - 2010 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05306- 05391
Plaintiff’s Trial Exhibit 40 - 2011 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05392- 05488
Plaintiff’s Trial Exhibit 41 - 2012 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05489- XXIV/AA05577
Plaintiff’s Trial Exhibit 42 - 2013 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIV/AA05578- 05669
Plaintiff’s Trial Exhibit 43 - 2014 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIV/AA05670- XXV/AA05758
Plaintiff’s Trial Exhibit 44 - 2015 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA05759- 05802
Plaintiff’s Trial Exhibit 45 - 2016 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA05803- 05934
Plaintiff’s Trial Exhibit 46 - 2017 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA005935- XXVI/AA06106

**CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 47 - 2012 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVI/AA06107- XXVII/AA06297
Plaintiff’s Trial Exhibit 48 - 2013 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVII/AA06298- 06490
Plaintiff’s Trial Exhibit 49 - 2014 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVII/AA06491- XXVIII/ AA06589
Plaintiff’s Trial Exhibit 50 - 2015 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVIII/ AA06590-06672
Plaintiff’s Trial Exhibit 51 - 2016 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVIII/ AA06673-06691
Plaintiff’s Trial Exhibit 52 - 2008 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXVIII/ AA06692- XXIX/ AA06759
Plaintiff’s Trial Exhibit 53 - 2009 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06760-06832
Plaintiff’s Trial Exhibit 54 - 2010 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06833-06862
Plaintiff’s Trial Exhibit 55 - 2011 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06863-06912
Plaintiff’s Trial Exhibit 56 - 2012 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06913-06930
Plaintiff’s Trial Exhibit 57 - 2013 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06931-06962
Plaintiff’s Trial Exhibit 58 - 2014 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06963-06998

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 59 - 2015 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06999
Plaintiff's Trial Exhibit 60 - 2016 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXX/AA07000
Plaintiff's Trial Exhibit 63 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 05/29/2014 through 12/31/2014	02/14/2020	XXX/AA07001- 07002
Plaintiff's Trial Exhibit 65 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2015 through 12/31/2015	02/14/2020	XXX/AA07003- 07006
Plaintiff's Trial Exhibit 67 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2016 through 12/31/2016	02/14/2020	XXX/AA07007- 07008
Plaintiff's Trial Exhibit 69 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2017 through 12/31/2017	02/14/2020	XXX/AA07009- 07010
Plaintiff's Trial Exhibit 70 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2018 through 12/31/2018	02/14/2020	XXX/AA07011
Plaintiff's Trial Exhibit 71 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2019 through 04/30/19	02/14/2020	XXX/AA07012- 07013
Plaintiff's Trial Exhibit 74 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 07/01/2014 through 12/31/14	02/14/2020	XXX/AA07014

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Plaintiff's Trial Exhibit 76 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2015 through 12/31/15	02/14/2020	XXX/AA07015- 07016
Plaintiff's Trial Exhibit 78 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2016 through 12/31/16	02/14/2020	XXX/AA07017- 07050
Plaintiff's Trial Exhibit 79 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2017 through 12/31/17	02/14/2020	XXX/AA07051
Plaintiff's Trial Exhibit 80 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2018 through 04/30/18	02/14/2020	XXX/AA07052
Plaintiff's Trial Exhibit 82 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/30/10 through 12/15/11	02/14/2020	XXX/AA07053
Plaintiff's Trial Exhibit 83 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/11 through 12/14/12	02/14/2020	XXX/AA07054- 07057
Plaintiff's Trial Exhibit 84 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/15/12 through 12/15/13	02/14/2020	XXX/AA07058
Plaintiff's Trial Exhibit 85 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/13 through 12/15/14	02/14/2020	XXX/AA07059

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 86 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/14 through 12/15/15	02/14/2020	XXX/AA07060
Plaintiff's Trial Exhibit 87 - American Express Statements #72004 Thomas Pickens card #72004 #73002 Danka Michaels card #72020 12/16/15 through 12/15/16	02/14/2020	XXX/AA07061-07092
Plaintiff's Trial Exhibit 88 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/16 through 12/15/17	02/14/2020	XXX/AA07093-07095
Plaintiff's Trial Exhibit 89 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/17 through 12/15/18	02/14/2020	XXX/AA07096-07204
Plaintiff's Trial Exhibit 90 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/18 through 04/14/19	02/14/2020	XXX/AA07205-07228
Plaintiff's Trial Exhibit 93 - Lowes house summary with supporting Wells Fargo Home Mortgage #9607 (PMA #3436) titled in the names of Danka Katarina Michaels and Thomas A. Pickens 07/02/14 through 07/01/2016	02/14/2020	XXX/AA07229-07230
Plaintiff's Trial Exhibit 97 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/10 through 12/08/11	02/14/2020	XXX/AA07231
Plaintiff's Trial Exhibit 98 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/11 through 12/07/12	02/14/2020	XXX/AA07232-07236

CHRONOLOGICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Plaintiff's Trial Exhibit 99 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/12 through 12/08/13	02/14/2020	XXX/AA07237-07239
Plaintiff's Trial Exhibit 100 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/13 through 12/08/14	02/14/2020	XXX/AA07240-07247
Plaintiff's Trial Exhibit 101 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/14 through 12/08/15	02/14/2020	XXX/AA07248-07250
Plaintiff's Trial Exhibit 102 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/15 through 12/08/16	02/14/2020	XXXI/AA07251-07255
Plaintiff's Trial Exhibit 103 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/16 through 12/08/17	02/14/2020	XXXI/AA07256-07258
Plaintiff's Trial Exhibit 104 - American Express Statements #63006 titled in the name of Thomas Pickens 01/08/18 through 12/07/18	02/14/2020	XXXI/AA07259
Plaintiff's Trial Exhibit 105 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXI/AA07260
Plaintiff's Trial Exhibit 106 - American Express #51001 titled in the name of Blue Point Development 12/05/12 through 12/20/13	02/14/2020	XXXI/AA07261-07262
Plaintiff's Trial Exhibit 107 - American Express #51001 titled in the name of Blue Point Development 12/21/13 through 12/19/14	02/14/2020	XXXI/AA07263
Plaintiff's Trial Exhibit 108 - American Express #51001 titled in the name of Blue Point Development 12/20/14 through 12/20/15	02/14/2020	XXXI/AA07264-XXXII/AA07516
Plaintiff's Trial Exhibit 109 - American Express #51001 titled in the name of Blue Point Development 12/21/15 through 12/20/16	02/14/2020	XXXII/AA07517-07682

CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 110 - American Express #51001 titled in the name of Blue Point Development 12/21/16 through 12/20/17	02/14/2020	XXXII/AA 07683-07685
Plaintiff’s Trial Exhibit 111 - American Express #51001 titled in the name of Blue Point Development 12/21/17 through 12/20/18	02/14/2020	XXXII/AA 07686-07687
Plaintiff’s Trial Exhibit 112 - American Express #51001 titled in the name of Blue Point Development 12/21/18 through 04/19/19	02/14/2020	XXXII/AA 07688-07689
Plaintiff’s Trial Exhibit 113 - Bank of America Bank Statements #2561 titled in the name of Blue Point Development 10/29/12 through 02/28/14	02/14/2020	XXXII/AA 07690-07691
Plaintiff’s Trial Exhibit 114 - Bank of America Bank Statements #0222 titled in the name of Patience One LLC 11/01/12 through 12/31/13	02/14/2020	XXXII/AA 07692-07693
Plaintiff’s Trial Exhibit 115 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 06/06/17 through 12/08/17	02/14/2020	XXXII/AA 07694-07695
Plaintiff’s Trial Exhibit 116 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/09/17 through 12/07/18	02/14/2020	XXXII/AA 07696-07698
Plaintiff’s Trial Exhibit 117 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXII/AA 07699-07700
Plaintiff’s Trial Exhibit 118 - Wells Fargo Checking #8952 titled in the name of Thomas Pickens 10/16/18 through 12/31/18	02/14/2020	XXXII/AA 07701-07702
Plaintiff’s Trial Exhibit 119 - Wells Fargo Checking #8952 titled in the name of Thomas Pickens 01/01/19 through 04/30/19	02/14/2020	XXXII/AA 07703-07704
Plaintiff’s Trial Exhibit 125 - Land Rover Financial Group statement 12/13/13 – 01/12/14	02/14/2020	XXXII/AA 07705-07706

**CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 126 - Lexus Statement – 12/24/13	02/14/2020	XXXII/AA 07707
Plaintiff’s Trial Exhibit 127 - Southwest Pension Services – Danka Michaels. Statements 09/03/2013 and 12/31/13	02/14/2020	XXXII/AA 07708- XXXIII/AA 07769
Plaintiff’s Trial Exhibit 128 - Valic – Danka Michalecko statements 9/30/13, 12/31/13, and 9/30/15	02/14/2020	XXXIII/AA 07770-07772
Plaintiff’s Trial Exhibit 129 - Pinnacle Health Systems – Danka K. Michaels. Statements 9/30/13 and 12/31/13	02/14/2020	XXXIII/AA 07773-07778
Plaintiff’s Trial Exhibit 132 - Danka Michaels Pinnacle Health Systems Statement 7/1/15	02/14/2020	XXXIII/AA 07779-07780
Plaintiff’s Trial Exhibit 133 - Bank of the West – 2015 Porsche statement 12.2.14	02/14/2020	XXXIII/AA 07781-07841
Plaintiff’s Trial Exhibit 134 - Life Insurance Statement 11/25/15	02/14/2020	XXXIII/AA 07842-07849
Plaintiff’s Trial Exhibit 138 - Thomas Pickens UBS Retirement statements dated June 2017 and October-December 2017 (Supplemental Response to Request for Production No. 16.)	02/14/2020	XXXIII/AA 07850-07857
Plaintiff’s Trial Exhibit 144 - JP Morgan Statements, Danka K. Michaels IRA, August 31, 2019 through September 30, 2019	02/14/2020	XXXIII/AA 07858-07866
Plaintiff’s Trial Exhibit 146 - Plaintiff email dated April 3, 2014	02/14/2020	XXXIII/AA 07867-07919
Plaintiff’s Trial Exhibit 147 - Plaintiff email dated August 26, 2014	02/14/2020	XXXIII/AA 07920-07922
Plaintiff’s Trial Exhibit 148 - Plaintiff email dated May 22, 2013	02/14/2020	XXXIII/AA 07923-07930
Plaintiff’s Trial Exhibit 149 - Plaintiff email dated July 9, 2012	02/14/2020	XXXIII/AA 07931-07933

**CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 150 - Plaintiff email dated May 9, 2012	02/14/2020	XXXIII/AA 07934-07964
Plaintiff’s Trial Exhibit 151 - Plaintiff email dated November 13, 2011	02/14/2020	XXXIII/AA 07965-07998
Plaintiff’s Trial Exhibit 152 - Plaintiff email dated December 2, 2016	02/14/2020	XXXIII/AA 07999- XXXIV/AA 08018
Plaintiff’s Trial Exhibit 153 - Plaintiff email dated June 30, 2014	02/14/2020	XXXIV/AA 08019-08202
Plaintiff’s Trial Exhibit 154 - #002651 Emails between Dr. Michaels and R. Semonian	02/21/2020	XXXIV/AA 08203-08209
Plaintiff’s Trial Exhibit 155 – NV Prescription Monitoring Program	02/21/2020	XXXIV/AA 08210-08247
Plaintiff’s Trial Exhibit 156 – Request to appeal denial of unemployment benefits	02/21/2020	XXXIV/AA 08248
Defendant’s Trial Exhibit A – Plaintiff’s Response to Defendant’s First Request for Production of Documents and Tangible Things from Plaintiff (with certain attachments thereto)	02/14/2020	XXXIV/AA 08249
Defendant’s Trial Exhibit C – Documentation of \$450,000 loan taken by Danka K. Michaels, M.D., PC for tenant improvements	02/14/2020	XXXIV/AA 08250- XXXV/AA 08257
Defendant’s Trial Exhibit G – Records produced by Equity Title, LLC, in response to Subpoena Duces Tecum for Blue Mesa property (Affidavit and relevant documents)	02/14/2020	XXXV/AA 08258-08270
Defendant’s Trial Exhibit J – Plaintiff’s Decree of Divorce filed June 26, 2021	02/14/2020	XXXV/AA 08271

**CHRONOLOGICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE No.
Defendant’s Trial Exhibit K – Blue Point Development account statement and record produced by Wells Fargo Bank, in response to Subpoena Duces Tecum	02/14/2020	XXXV/AA 08272
Defendant’s Trial Exhibit L – Wells Fargo billing Statement dated November 2016	02/14/2020	XXXV/AA 08273- XXXVI/AA 08571
Defendant’s Trial Exhibit M – Notice of Entry of Findings of Fact and Conclusions of Law filed on June 1, 2018 in the matter of <i>Bluepoint Development Inc. v. Patience One, LLC</i>	02/14/2020	XXXVI/AA 08572- XXXVII/AA 08867
Defendant’s Trial Exhibit N – Records evidencing attorney’s fees and expert fees paid by Defendant in this action	02/14/2020	XXXVII/AA 08868-08938
Receipt of Copy	11/10/2021	XXXVII/AA 08939

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Affidavit of Process Server	11/02/2017	I/AA00017-00022
Amended Notice of Taking Videotaped Deposition	03/05/2019	II/AA00376-00378
Answer to First Amended Complaint for Divorce; for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest; and for Alternative Equitable Relief Under the Putative Spouse Doctrine; Affirmative Defenses and Counterclaim	05/02/2018	I/AA00189-00211
Answer to Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest; Affirmative Defenses and Counterclaim	11/19/2018	II/AA00306-00329
Appendix of Exhibits in Support of Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees	08/01/2019	III/AA00567-IV/AA00702
Appendix of Exhibits in Support of Defendant's Motion to Compel Discovery Responses	04/22/2019	II/AA00398-00440
Appendix of Exhibits in Support of Defendant's Motion to Dismiss	11/29/2017	I/AA00025-00044

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Appendix of Exhibits in Support of Reply to Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Opposition to Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	09/06/2019	V/AA00845-00861
Appendix of Exhibits to Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion 1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	08/19/2019	V/AA00763-00813
Appendix of Exhibits to Plaintiff's Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/13/2019	II/AA00468-00495

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Case and Trial Management Order	09/10/2018	II/AA00272-00274
Case Appeal Statement	09/02/2021	XII/AA02717-02743
Case Management Order – Domestic	03/21/2019	II/AA00389-00394
Certificate of Service	09/11/2018	II/AA00277-00278
Certificate of Service	01/09/2019	II/AA00359-00360
Certification of Transcripts Notification of Completion	10/28/2021	XIII/AA02886-02913
Complaint for Divorce and for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest	10/24/2017	I/AA00001-00015
Court Minutes	01/25/2018	I/AA00142-00143
Court Minutes	02/23/2018	I/AA00144-00145
Court Minutes	09/10/2018	II/AA00275-00276
Court Minutes	02/14/2020	VIII/AA01728
Court Minutes	02/21/2020	IX/AA01781-01793
Court Minutes	07/20/2020	IX/AA01820-01823
Court Minutes	01/22/2021	X/AA02210-02220
Court Minutes	03/05/2021	XI/AA02253-02261
Court Minutes	03/12/2021	XI/AA02272-02284
Court Minutes	04/02/2021	XI/AA02285-02301

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Declaration of Danka K. Michaels in Support of Answer to Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest; Affirmative Defenses and Counterclaim	11/21/2018	II/AA00330-00332
Declaration of Service	07/13/2018	I/AA00230
Declaration of Service	07/19/2018	I/AA00238
Declaration of Service	09/05/2019	V/AA00844
Declaration of Service	11/01/2019	V/AA00882
Declaration of Service	12/20/2019	V/AA00886
Declaration of Service	02/04/2020	V/AA00910
Declaration of Service	02/05/2020	V/AA00911
Declaration of Service Robert Semonian	08/03/2018	I/AA00243
Declaration of Service Shannon L. Evans	08/03/2018	I/AA00244
Defendant Danka K. Michaels Memorandum of Fees and Costs	08/25/2021	XII/AA02658-02671
Defendant’s Closing Argument Brief	05/28/2021	XI/AA02444-02467
Defendant’s EDCR 7.27 Brief	04/02/2021	XI/AA02302-02320
Defendant’s Motion to Compel Discovery Responses	04/22/2019	II/AA00441-00458
Defendant’s Pre-Trial Memorandum	02/07/2020	V/AA00914-00932
Defendant’s Reply to Plaintiff’s Objection to Memorandum of Fees and Costs	09/20/2021	XIII/AA02855-02885
Defendant’s Second Supplemental Witness List (Non-Expert)	12/27/2019	V/AA00887-00891

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Defendant's Supplemental Witness List (Non-Expert)	04/24/2019	II/AA00460-00464
Defendant's Trial Exhibit A – Plaintiff's Response to Defendant's First Request for Production of Documents and Tangible Things from Plaintiff (with certain attachments thereto)	02/14/2020	XXXIV/AA 08249
Defendant's Trial Exhibit C – Documentation of \$450,000 loan taken by Danka K. Michaels, M.D., PC for tenant improvements	02/14/2020	XXXIV/AA 08250-XXXV/AA 08257
Defendant's Trial Exhibit G – Records produced by Equity Title, LLC, in response to Subpoena Duces Tecum for Blue Mesa property (Affidavit and relevant documents)	02/14/2020	XXXV/AA 08258-08270
Defendant's Trial Exhibit J – Plaintiff's Decree of Divorce filed June 26, 2021	02/14/2020	XXXV/AA 08271
Defendant's Trial Exhibit K – Blue Point Development account statement and record produced by Wells Fargo Bank, in response to Subpoena Duces Tecum	02/14/2020	XXXV/AA 08272
Defendant's Trial Exhibit L – Wells Fargo billing Statement dated November 2016	02/14/2020	XXXV/AA 08273-XXXVI/AA 08571
Defendant's Trial Exhibit M – Notice of Entry of Findings of Fact and Conclusions of Law filed on June 1, 2018 in the matter of <i>Bluepoint Development Inc. v. Patience One, LLC</i>	02/14/2020	XXXVI/AA 08572-XXXVII/AA 08867
Defendant's Trial Exhibit N – Records evidencing attorney's fees and expert fees paid by Defendant in this action	02/14/2020	XXXVII/AA 08868-08938
Defendant's Witness List (Non-Expert)	02/20/2019	II/AA00371-00375

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Estimated Cost of Expedited Transcripts	07/22/2020	IX/AA01824-01826
Estimated Cost of Transcript	09/07/2021	XIII/AA02769-02791
Estimated Costs of Transcript	09/07/2021	XIII/AA02792-02822
Exhibit Appendix to Opposition to Defendant's Motion to Dismiss and Countermotion for Attorney's Fees and Costs	12/20/2017	I/AA00064-00093
Exhibit of Appendix to Defendant Danka K. Michaels Memorandum of Fees and Costs	08/25/2021	XII/AA02672-02716
Final Billing for Transcripts	09/01/2020	X/AA02052-02054
Final Billing for Transcripts	10/28/2021	XIII/AA02914-02956
Findings of Fact, Conclusions of Law and Judgement	08/03/2021	XII/AA02568-02613
First Amended Compliant for Divorce; for Set Aside of Deeds of Real Property and Assignment of L.L.C. Interest; and for Alternative Equitable Relief Under the Putative Spouse Doctrine	03/22/2018	I/AA00174-00188
General Financial Disclosure Form	02/13/2020	V/AA00964-00981
Joint Early Case Conference Report Pursuant to N.R.C..P 16.2(i)(2)	07/13/2018	I/AA00231-00237
Minute Order	09/10/2019	V/AA00880-00881
Motion for Leave to File Second Amended Complaint	09/07/2018	I/AA00245-II/AA00270
Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees	08/01/2019	IV/AA00703-00736
Motion Opposition Fee Information Sheet	12/20/2017	I/AA00094

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Motion Opposition Fee Information Sheet	09/07/2018	II/AA00271
Motion Opposition Fee Information Sheet	01/08/2019	II/AA00352
Motion to Dismiss	11/29/2017	I/AA00045-00061
Motion to Withdraw as Attorney of Records for Plaintiff	01/08/2019	II/AA00353-00358
Notice of Appeal	09/02/2021	XII/AA02744-XIII/AA02768
Notice of Appearance	03/08/2019	II/AA00382-00383
Notice of Appearance of Attorney	11/27/2017	I/AA00023-00024
Notice of Appearance of Co-Counsel for Defendant	10/16/2020	X/AA02087-02122
Notice of Attorney's Lien	04/05/2019	II/AA00395-00397
Notice of Change of Firm	06/26/2020	IX/AA01811-01819
Notice of Change of Firm Address	01/27/2021	X/AA02233-02243
Notice of Change of Firm Address	08/01/2021	XII/AA02525-02567
Notice of Department Reassignment	03/11/2019	II/AA00384-00385
Notice of Entry of Findings of Fact, Conclusions of Law, and Judgement	08/05/2021	XII/AA02614-02657
Notice of Entry of Order	03/12/2018	I/AA00155-00164
Notice of Entry of Order	12/17/2018	II/AA00345-00351
Notice of Entry of Order	02/06/2019	II/AA00363-00367
Notice of Entry of Order to Seal Records	01/03/2018	I/AA00120-00124
Notice of Entry of Stipulation and Order	12/29/2017	I/AA00116-000119

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Notice of Entry of Stipulation and Order	10/10/2018	II/AA00282-00287
Notice of Entry of Stipulation and Order	08/16/2019	V/AA0055-00762
Notice of Entry of Stipulation and Order	06/25/2020	IX/AA01801-01810
Notice of Entry of Stipulation and Order	04/19/2021	XI/AA02330-02351
Notice of Entry of Stipulation and Order RE: Motion to Compel	05/29/2019	III/AA00535-00543
Notice of Entry of Stipulation and Order to Continue	06/13/2019	III/AA00545-00551
Notice of Entry of Stipulation and Order to Vacate Discovery Hearing	06/19/2019	III/AA00560-00564
Notice of Hearing	04/22/2019	II/AA00459
Notice of Hearing	08/01/2019	IV/AA00737
Notice of Hearing	03/20/2020	IX/AA01794-01798
Notice of Hearing	08/26/2020	IX/AA1827-X/AA2051
Notice of Hearing	10/26/2020	X/AA02123-02190
Notice of Hearing	11/17/2020	X/AA02191-02201
Notice of Hearing	11/25/2020	X/AA02202-02209
Notice of Hearing	01/22/2021	X/AA02221-02232
Notice of Hearing	02/23/2021	X/AA02244-XI/AA02252
Notice of Hearing	03/08/2021	XI/AA02262-02271

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Notice of Intent to Appear by Communication Equipment	02/20/2020	VIII/AA01729-IX/01768
Notice of Non-Opposition to Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/13/2020	V/AA00982-VII/AA01254
Notice of Taking Custodian of Records Deposition and Seven Day Notice of Intent to Serve Subpoena Duces Tecum	12/09/2019	V/AA00883-00885
Notice of Taking Videotaped Deposition	02/15/2019	II/AA00368-00370
Notice of Unavailability of Counsel	05/08/2019	II/AA00465-00467
Notice of Unavailability of Counsel	08/05/2019	IV/AA00738-00740
Opposition to Defendant's Motion to Dismiss and Countermotion for Attorney's Fees and Costs	12/20/2017	I/AA00095-I/AA00111
Order	03/09/2018	I/AA00146-00154
Order	03/12/2018	I/AA0065-00173
Order After Hearing of September 10, 2018	12/11/2018	II/AA00333-00336
Order Granting Withdrawal as Attorney of Record for Plaintiff	02/05/2019	II/AA00361-00362
Order Setting Case Management Conference and Directing Compliance with NRCp 16.2	07/31/2018	I/AA00239-00242
Order to Seal Records Pursuant to NRS 125.110(2)	12/22/2017	I/AA00112-I/AA00113
Peremptory Challenge of Judge	03/11/2019	II/AA00386-00388
Petition to Seal Records Pursuant to NRS 125.110(2)	12/15/2017	I/AA00062-00063
Plaintiff Thomas Pickens General Financial Disclosure Form-Trial	02/11/2020	V/AA00955-00962

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff Thomas Pickens Pretrial Memorandum	02/07/2020	V/AA00933-00950
Plaintiff, Danka K. Michaels' Initial Expert Witness List	07/11/2018	I/AA00220-00229
Plaintiff's Closing Argument	04/23/2021	XI/AA02370-02834
Plaintiff's Objection to Defendant Danka K. Michaels' Memorandum of Fees and Costs	09/07/2021	XIII/AA02823-02854
Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion for Leave of Court to File Supplemental Points and Authorities	08/12/2019	IV/AA00746-V/AA00754
Plaintiff's Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for International Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	08/19/2019	V/AA00814-00843
Plaintiff's Rebuttal to Defendant's Closing Argument	06/15/2021	XI/AA02489-XII/AA02524
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/10/2020	V/AA00951-00954

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Request for the Court to take Judicial Notice Pursuant to NRS 47.130	02/20/2020	IX/AA01769-01770
Plaintiff's Request for the Court to take Judicial Notice Pursuant to NRS 47.130	02/20/2020	IX/AA01771-01780
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02835-02406
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02407-02424
Plaintiff's Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	04/23/2021	XI/AA02425-02443
Plaintiff's Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/13/2019	II/AA00496-III/AA00516
Plaintiff's Supplement to Response and Opposition to Defendant's Motion to Compel Discovery Responses	05/21/2019	III/AA00523-00527
Plaintiff's Trial Exhibit 1 - Photographs of the parties' wedding on April 7, 2002 and announcement	02/14/2020	XIV/AA03070-03083
Plaintiff's Trial Exhibit 10 - 2006 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03181-03196
Plaintiff's Trial Exhibit 100 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/13 through 12/08/14	02/14/2020	XXX/AA07240-07247
Plaintiff's Trial Exhibit 101 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/14 through 12/08/15	02/14/2020	XXX/AA07248-07250
Plaintiff's Trial Exhibit 102 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/15 through 12/08/16	02/14/2020	XXXI/AA07251-07255
Plaintiff's Trial Exhibit 103 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/16 through 12/08/17	02/14/2020	XXXI/AA07256-07258

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 104 - American Express Statements #63006 titled in the name of Thomas Pickens 01/08/18 through 12/07/18	02/14/2020	XXXI/AA07259
Plaintiff's Trial Exhibit 105 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXI/AA07260
Plaintiff's Trial Exhibit 106 - American Express #51001 titled in the name of Blue Point Development 12/05/12 through 12/20/13	02/14/2020	XXXI/AA07261-07262
Plaintiff's Trial Exhibit 107 - American Express #51001 titled in the name of Blue Point Development 12/21/13 through 12/19/14	02/14/2020	XXXI/AA07263
Plaintiff's Trial Exhibit 108 - American Express #51001 titled in the name of Blue Point Development 12/20/14 through 12/20/15	02/14/2020	XXXI/AA07264-XXXII/AA07516
Plaintiff's Trial Exhibit 109 - American Express #51001 titled in the name of Blue Point Development 12/21/15 through 12/20/16	02/14/2020	XXXII/AA07517-07682
Plaintiff's Trial Exhibit 11 - 2007 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03197-03210
Plaintiff's Trial Exhibit 110 - American Express #51001 titled in the name of Blue Point Development 12/21/16 through 12/20/17	02/14/2020	XXXII/AA07683-07685
Plaintiff's Trial Exhibit 111 - American Express #51001 titled in the name of Blue Point Development 12/21/17 through 12/20/18	02/14/2020	XXXII/AA07686-07687
Plaintiff's Trial Exhibit 112 - American Express #51001 titled in the name of Blue Point Development 12/21/18 through 04/19/19	02/14/2020	XXXII/AA07688-07689
Plaintiff's Trial Exhibit 113 - Bank of America Bank Statements #2561 titled in the name of Blue Point Development 10/29/12 through 02/28/14	02/14/2020	XXXII/AA07690-07691

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 114 - Bank of America Bank Statements #0222 titled in the name of Patience One LLC 11/01/12 through 12/31/13	02/14/2020	XXXII/AA 07692-07693
Plaintiff’s Trial Exhibit 115 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 06/06/17 through 12/08/17	02/14/2020	XXXII/AA 07694-07695
Plaintiff’s Trial Exhibit 116 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/09/17 through 12/07/18	02/14/2020	XXXII/AA 07696-07698
Plaintiff’s Trial Exhibit 117 - Wells Fargo Visa #0648 titled in the name of Thomas Pickens 12/08/18 through 05/08/19	02/14/2020	XXXII/AA 07699-07700
Plaintiff’s Trial Exhibit 118 - Wells Fargo Checking #8952 titled in the name of Thomas Pickens 10/16/18 through 12/31/18	02/14/2020	XXXII/AA 07701-07702
Plaintiff’s Trial Exhibit 119 - Wells Fargo Checking #8952 titled in the name of Thomas Pickens 01/01/19 through 04/30/19	02/14/2020	XXXII/AA 07703-07704
Plaintiff’s Trial Exhibit 12 - 2008 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03211- 03224
Plaintiff’s Trial Exhibit 125 - Land Rover Financial Group statement 12/13/13 – 01/12/14	02/14/2020	XXXII/AA 07705-07706
Plaintiff’s Trial Exhibit 126 - Lexus Statement – 12/24/13	02/14/2020	XXXII/AA 07707
Plaintiff’s Trial Exhibit 127 - Southwest Pension Services – Danka Michaels. Statements 09/03/2013 and 12/31/13	02/14/2020	XXXII/AA 07708- XXXIII/AA 07769
Plaintiff’s Trial Exhibit 128 - Valic – Danka Michalecko statements 9/30/13, 12/31/13, and 9/30/15	02/14/2020	XXXIII/AA 07770-07772

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 129 - Pinnacle Health Systems – Danka K. Michaels. Statements 9/30/13 and 12/31/13	02/14/2020	XXXIII/AA 07773-07778
Plaintiff’s Trial Exhibit 13 - 2009 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA03225- XV/AA03262
Plaintiff’s Trial Exhibit 132 - Danka Michaels Pinnacle Health Systems Statement 7/1/15	02/14/2020	XXXIII/AA 07779-07780
Plaintiff’s Trial Exhibit 133 - Bank of the West – 2015 Porsche statement 12.2.14	02/14/2020	XXXIII/AA 07781-07841
Plaintiff’s Trial Exhibit 134 - Life Insurance Statement 11/25/15	02/14/2020	XXXIII/AA 07842-07849
Plaintiff’s Trial Exhibit 138 - Thomas Pickens UBS Retirement statements dated June 2017 and October-December 2017 (Supplemental Response to Request for Production No. 16.)	02/14/2020	XXXIII/AA 07850-07857
Plaintiff’s Trial Exhibit 14 - 2010 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03263- 03319
Plaintiff’s Trial Exhibit 144 - JP Morgan Statements, Danka K. Michaels IRA, August 31, 2019 through September 30, 2019	02/14/2020	XXXIII/AA 07858-07866
Plaintiff’s Trial Exhibit 146 - Plaintiff email dated April 3, 2014	02/14/2020	XXXIII/AA 07867-07919
Plaintiff’s Trial Exhibit 147 - Plaintiff email dated August 26, 2014	02/14/2020	XXXIII/AA 07920-07922
Plaintiff’s Trial Exhibit 148 - Plaintiff email dated May 22, 2013	02/14/2020	XXXIII/AA 07923-07930
Plaintiff’s Trial Exhibit 149 - Plaintiff email dated July 9, 2012	02/14/2020	XXXIII/AA 07931-07933
Plaintiff’s Trial Exhibit 15 - 2011 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03320- 03372
Plaintiff’s Trial Exhibit 150 - Plaintiff email dated May 9, 2012	02/14/2020	XXXIII/AA 07934-07964

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 151 - Plaintiff email dated November 13, 2011	02/14/2020	XXXIII/AA 07965-07998
Plaintiff's Trial Exhibit 152 - Plaintiff email dated December 2, 2016	02/14/2020	XXXIII/AA 07999- XXXIV/AA 08018
Plaintiff's Trial Exhibit 153 - Plaintiff email dated June 30, 2014	02/14/2020	XXXIV/AA 08019-08202
Plaintiff's Trial Exhibit 154 - #002651 Emails between Dr. Michaels and R. Semonian	02/21/2020	XXXIV/AA 08203-08209
Plaintiff's Trial Exhibit 155 – NV Prescription Monitoring Program	02/21/2020	XXXIV/AA 08210-08247
Plaintiff's Trial Exhibit 156 – Request to appeal denial of unemployment benefits	02/21/2020	XXXIV/AA 08248
Plaintiff's Trial Exhibit 16 - 2012 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03373- 03429
Plaintiff's Trial Exhibit 17 - 2013 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03430- 03478
Plaintiff's Trial Exhibit 18 - 2014 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03479- 03494
Plaintiff's Trial Exhibit 19 - 2015 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XV/AA03495- XVI/AA03543
Plaintiff's Trial Exhibit 2 - Litterae Matrimoniales (Marriage Certificate) of Thomas Pickens and Danka Katarina Oltusova dated April 7, 2002	02/14/2020	XIV/AA03084- 03096
Plaintiff's Trial Exhibit 20 - 2016 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XVI/AA03544- 03639
Plaintiff's Trial Exhibit 21 - 2005 1040 Income Tax Return for Danka Michaels	02/14/2020	XVI/AA03640- 03735
Plaintiff's Trial Exhibit 22 - 2006 1040 Income Tax Return for Danka Michaels	02/14/2020	XVI/AA03736- XVII/AA03823

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 23 - 2007 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03824-03848
Plaintiff's Trial Exhibit 24 - 2008 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03849-03998
Plaintiff's Trial Exhibit 25 - 2009 1040 Income Tax Return for Danka Michaels	02/14/2020	XVII/AA03999 XVIII/AA04127
Plaintiff's Trial Exhibit 26 - 2010 1040 Income Tax Return for Danka Michaels	02/14/2020	XVIII/AA04128-04239
Plaintiff's Trial Exhibit 27 - 2011 1040 Income Tax Return for Danka Michaels	02/14/2020	XVIII/AA04240- XIX/AA04361
Plaintiff's Trial Exhibit 28 - 2012 1040 Income Tax Return for Danka Michaels	02/14/2020	XIX/AA04362-04482
Plaintiff's Trial Exhibit 29 - 2013 1040 Income Tax Return for Danka Michaels	02/14/2020	XIX/AA04483- XX/AA04646
Plaintiff's Trial Exhibit 3 - Medical Records for Tom Pickens produced by Danka Michaels, his physician	02/14/2020	XIV/AA03097-03111
Plaintiff's Trial Exhibit 30 - 2014 1040 Income Tax Return for Danka Michaels	02/14/2020	XX/AA04647- XXI/AA04755
Plaintiff's Trial Exhibit 31 - 2015 1040 Income Tax Return for Danka Michaels	02/14/2020	XXI/AA04756-04842
Plaintiff's Trial Exhibit 32 - 2016 1040 Income Tax Return for Danka Michaels	02/14/2020	XXI/AA04843-04879
Plaintiff's Trial Exhibit 35 - 2006 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXI/AA04880-04908
Plaintiff's Trial Exhibit 36 - 2007 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXI/AA04909- XXII/AA05059
Plaintiff's Trial Exhibit 37 - 2008 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXII/AA05060-05200

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 38 - 2009 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXII/AA05201- XXIII/AA05305
Plaintiff’s Trial Exhibit 39 - 2010 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05306- 05391
Plaintiff’s Trial Exhibit 4 - Nevada Prescription Monitoring Program Prescription log for Tom Pickens	02/14/2020	XIV/AA03112- 03116
Plaintiff’s Trial Exhibit 40 - 2011 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05392- 05488
Plaintiff’s Trial Exhibit 41 - 2012 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIII/AA05489- XXIV/AA05577
Plaintiff’s Trial Exhibit 42 - 2013 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIV/AA05578- 05669
Plaintiff’s Trial Exhibit 43 - 2014 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXIV/AA05670- XXV/AA05758
Plaintiff’s Trial Exhibit 44 - 2015 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA05759- 05802
Plaintiff’s Trial Exhibit 45 - 2016 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA05803- 05934
Plaintiff’s Trial Exhibit 46 - 2017 1120S Income Tax Return for Danka K. Michaels MD, PC	02/14/2020	XXV/AA005935- XXVI/AA06106
Plaintiff’s Trial Exhibit 47 - 2012 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVI/AA06107- XXVII/AA06297

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 48 - 2013 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVII/AA06298-06490
Plaintiff's Trial Exhibit 49 - 2014 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVII/AA06491-XXVIII/ AA06589
Plaintiff's Trial Exhibit 5 - Chain of Title with Applicable Deeds for 9517 Queen Charlotte Drive, Las Vegas, Nevada 89145	02/14/2020	XIV/AA03117-03127
Plaintiff's Trial Exhibit 50 - 2015 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVIII/ AA06590-06672
Plaintiff's Trial Exhibit 51 - 2016 1065 Income Tax Return for Patience One LLC	02/14/2020	XXVIII/ AA06673-06691
Plaintiff's Trial Exhibit 52 - 2008 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXVIII/ AA06692-XXIX/ AA06759
Plaintiff's Trial Exhibit 53 - 2009 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06760-06832
Plaintiff's Trial Exhibit 54 - 2010 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06833-06862
Plaintiff's Trial Exhibit 55 - 2011 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06863-06912
Plaintiff's Trial Exhibit 56 - 2012 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06913-06930
Plaintiff's Trial Exhibit 57 - 2013 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06931-06962

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 58 - 2014 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06963-06998
Plaintiff’s Trial Exhibit 59 - 2015 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXIX/ AA06999
Plaintiff’s Trial Exhibit 6 - Chain of Title with Applicable Deeds for 7608 Lowe Avenue, Las Vegas, Nevada 89131	02/14/2020	XIV/AA03128- 03136
Plaintiff’s Trial Exhibit 60 - 2016 1120 Income Tax Return for Blue Point Development LLC	02/14/2020	XXX/AA07000
Plaintiff’s Trial Exhibit 63 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 05/29/2014 through 12/31/2014	02/14/2020	XXX/AA07001- 07002
Plaintiff’s Trial Exhibit 65 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2015 through 12/31/2015	02/14/2020	XXX/AA07003- 07006
Plaintiff’s Trial Exhibit 67 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2016 through 12/31/2016	02/14/2020	XXX/AA07007- 07008
Plaintiff’s Trial Exhibit 69 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2017 through 12/31/2017	02/14/2020	XXX/AA07009- 07010
Plaintiff’s Trial Exhibit 7 - Affidavit of Custodian of Records and file from First American Title Company—purchase of 9517 Queen Charlotte Drive, Las Vegas, Nevada 89145 on October 7, 2004	02/14/2020	XIV/AA03137- 03150

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff’s Trial Exhibit 70 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2018 through 12/31/2018	02/14/2020	XXX/AA07011
Plaintiff’s Trial Exhibit 71 - Wells Fargo Business Checking #9112 titled in the name of Blue Point Development 01/01/2019 through 04/30/19	02/14/2020	XXX/AA07012-07013
Plaintiff’s Trial Exhibit 74 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 07/01/2014 through 12/31/14	02/14/2020	XXX/AA07014
Plaintiff’s Trial Exhibit 76 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2015 through 12/31/15	02/14/2020	XXX/AA07015-07016
Plaintiff’s Trial Exhibit 78 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2016 through 12/31/16	02/14/2020	XXX/AA07017-07050
Plaintiff’s Trial Exhibit 79 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2017 through 12/31/17	02/14/2020	XXX/AA07051
Plaintiff’s Trial Exhibit 8 - Certificate of Custodian of Records for Ticor Title of Nevada—purchase of 7608 Lowe Avenue, Las Vegas, Nevada 89131 on February 28, 2011	02/14/2020	XIV/AA03151-03164
Plaintiff’s Trial Exhibit 80 - Wells Fargo Checking ending 3436 titled in the names of Thomas A. Pickens and Danka K. Michaels 01/01/2018 through 04/30/18	02/14/2020	XXX/AA07052

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 82 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/30/10 through 12/15/11	02/14/2020	XXX/AA07053
Plaintiff's Trial Exhibit 83 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/11 through 12/14/12	02/14/2020	XXX/AA07054- 07057
Plaintiff's Trial Exhibit 84 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/15/12 through 12/15/13	02/14/2020	XXX/AA07058
Plaintiff's Trial Exhibit 85 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/13 through 12/15/14	02/14/2020	XXX/AA07059
Plaintiff's Trial Exhibit 86 - American Express Statements #72004 Thomas Pickens card #72004 Danka Michaels card #72020 12/16/14 through 12/15/15	02/14/2020	XXX/AA07060
Plaintiff's Trial Exhibit 87 - American Express Statements #72004 Thomas Pickens card #72004 #73002 Danka Michaels card #72020 12/16/15 through 12/15/16	02/14/2020	XXX/AA07061- 07092
Plaintiff's Trial Exhibit 88 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/16 through 12/15/17	02/14/2020	XXX/AA07093- 07095

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Plaintiff's Trial Exhibit 89 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/17 through 12/15/18	02/14/2020	XXX/AA07096-07204
Plaintiff's Trial Exhibit 9 - 2005 1040 Income Tax Return for Thomas A. Pickens	02/14/2020	XIV/AA3165-03180
Plaintiff's Trial Exhibit 90 - American Express Statements #72004 Thomas Pickens card #73002 Danka Michaels card #72020 12/16/18 through 04/14/19	02/14/2020	XXX/AA07205-07228
Plaintiff's Trial Exhibit 93 - Lowes house summary with supporting Wells Fargo Home Mortgage #9607 (PMA #3436) titled in the names of Danka Katarina Michaels and Thomas A. Pickens 07/02/14 through 07/01/2016	02/14/2020	XXX/AA07229-07230
Plaintiff's Trial Exhibit 97 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/10 through 12/08/11	02/14/2020	XXX/AA07231
Plaintiff's Trial Exhibit 98 - American Express Statements #63006 titled in the name of Thomas Pickens 12/09/11 through 12/07/12	02/14/2020	XXX/AA07232-07236
Plaintiff's Trial Exhibit 99 - American Express Statements #63006 titled in the name of Thomas Pickens 12/08/12 through 12/08/13	02/14/2020	XXX/AA07237-07239
Receipt of Check	06/03/2019	III/AA00544
Receipt of Copy	02/11/2020	V/AA00963
Receipt of Copy	11/10/2021	XIV/AA03055-03069
Receipt of Copy	11/10/2021	XXXVII/AA08939
Reply in Support of Defendant's Motion to Compel Discovery Responses	05/15/2019	III/AA00517-00522
Reply to Defendant's Counterclaim	05/30/2018	I/AA00212-00219

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE NO.
Reply to Defendant's Counterclaim	12/12/2018	II/AA00337-00344
Reply to Opposition to Defendant's Motion for Summary Judgement, to Dismiss, for Protective Order and for Attorney Fees and Opposition to Countermotion (1) to Dismiss or, in the Alternative, for Summary Judgement as to Defendant's Causes of Action for Intentional Misrepresentation/Fraud; Negligent Misrepresentation; Breach of Implied Covenant of Good Faith and Fair Dealing; Promissory Estoppel; Express Agreement; Implied Agreement; and Malicious Abuse of Process; (2) for Summary Judgement Setting Aside Deeds of Real Property and Assignment of LLC Interest; and (3) for Permission to Submit Points and Authorities in Excess of 30 Pages Pursuant to EDCR 5.503(e)	09/06/2019	V/AA00862-00879
Reply to Opposition to Defendant's Motion to Dismiss and Opposition to Countermotion for Attorney's Fees and Costs	01/09/2018	I/AA00125-00141
Request for Issuance of Joint Preliminary Injunction	10/25/2017	I/AA00016
Satisfaction and Release of Lien	07/31/2019	III/AA00565-00566
Second Amended Complaint for Equitable Relief Under (1) the Putative Spouse Doctrine, and (2) Pursuant to Express and/or Implied Agreement to Hold Property as if the Parties Were Married Under <i>Michoff</i> ; and to Set Aside Deeds of Real Property and Assignment of L.L.C. Interest	10/15/2018	II/AA00288-00305
Second Amended Notice of Taking Videotaped Deposition	03/05/2019	II/AA00379-00381

ALPHABETICAL INDEX OF APPELLANT’S APPENDIX
VOLUME XXXVI OF XXXVII

DESCRIPTION	DATE FILED	VOL./PAGE No.
Stipulation and Order Granting Leave to File Second Amended Complaint, and Vacating Motion Hearing	10/08/2018	II/AA00279-00281
Stipulation and Order RE: Motion to Compel	05/28/2019	III/AA00528-00534
Stipulation and Order to Continue	06/13/2019	III/AA00552-00556
Stipulation and Order to Continue Day Three of Trial	06/24/2020	IX/AA01799-01800
Stipulation and Order to Continue Hearing	12/28/2017	I/AA00114-000115
Stipulation and Order to Extend Briefing Deadline	04/22/2021	XI/AA02352-02369
Stipulation and Order to Extend Briefing Deadlines	04/14/2021	XI/AA02321-02329
Stipulation and Order to Extend Deadline for Plaintiff to File His Rebuttal Brief	06/14/2021	XI/AA02468-02488
Stipulation and Order to Extend Filing of Pre-Trial Memorandum and Trial Exhibits	02/06/2020	V/AA00912-00913
Stipulation and Order to Vacate Discovery Hearing	06/18/2019	III/AA00557-00559
Stipulation to Extend Discovery Deadlines and Continue Trial (First Request) and Order Continuing Trial	08/05/2019	IV/AA00741-00745
Supplemental Exhibit in Support of Notice of Non-Opposition to Plaintiff’s Request for the Court to Take Judicial Notice Pursuant to NRS 47.130	02/13/2020	VII/AA01255-VIII/AA01727
Transcript RE: Non-Jury Trial	09/01/2020	X/AA02055-02070
Transcript RE: Non-Jury Trial Day 2	09/01/2020	X/AA02071-02086

**ALPHABETICAL INDEX OF APPELLANT'S APPENDIX
VOLUME XXXVI OF XXXVII**

DESCRIPTION	DATE FILED	VOL./PAGE No.
Transcript RE: Non-Jury Trial Day 3	10/28/2021	XIII/AA02957- XIV/AA03007
Transcript RE: Non-Jury Trial Day 4	10/28/2021	XIV/AA03008- 03040
Transcript RE: Non-Jury Trial Day 5	10/28/2021	XIV/AA03041- 03054
Trial Subpoena	01/29/2020	V/AA00906- 00909
Trial Subpoena Robert Semonian	01/28/2020	V/AA00892- 00898
Trial Subpoena Shannon L. Evans, Esq.	01/28/2020	V/AA00899- 00905

1 Q Okay. What was the state of the building when you
2 took it over after the September 13th transfers? What was the
3 condition of the building?

4 A It was surprisingly, in poor condition. I did not
5 expect that the building was so neglected.

6 Q And can you just give the Court some examples of the
7 condition of the building?

8 A It was a very wet winter, 2016-2017, and it was
9 raining incessantly and they were so many leaks from the roof
10 that we had actually, water running all the way down to the
11 first floor. We couldn't fix it because the roofer needed
12 three weeks of dry weather to put a new roof on. And the
13 biggest complainer was the tenant in 208, who was sending all
14 kinds of vitriolic emails. Why does he have a leak in his
15 office?

16 Q Who was the -- who was that tenant?

17 A That's Blue Point Development.

18 Q Tom?

19 A Yes. Everybody else was given a -- buckets and said
20 please put up with us because we don't have power over the
21 weather. There was issues with plumbing. There was the
22 construction issues on the front of the property, where the
23 awning is connecting to the wall. That had to be fixed.
24 There were some other leaks. There was a plumbing problem in

1 the courtyard. There was -- oh, then we had to repaint
2 whatever the -- the water damage was. Then his friend with
3 the radiology business was complaining that, from the witness,
4 there is black mold.

5 So I had to pay for the State inspector in the
6 Hazmat suits to come in and inspect the suite and find out if
7 there is black mold. Thank God, it was negative because like,
8 it hasn't finished yet. I haven't fixed the property yet.

9 Q Still, after all this time?

10 A I -- I wish I had unlimited budget.

11 Q Okay, and so did you incur costs and expenses for
12 these repairs?

13 A Yes. So, Patients One, in 2017, actually needed a
14 (sic) influx of my personal money because there was so much
15 damage.

16 Q I want to direct your attention to Defendant's
17 proposed Exhibit E.

18 A Oh, there was another problem. The downstairs
19 bathroom.

20 Q So, I -- I want you to look at --

21 MR. GOLDSTEIN: You have an objection to these being
22 admitted, John?

23 MR. JONES: Yeah.

24 MR. GOLDSTEIN: What is it?

1 MR. JONES: There's no cert -- there's no COR
2 affidavit.

3 MR. GOLDSTEIN: You don't need one. Authenticity
4 objection if it wasn't made within (indiscernible), so what
5 else?

6 MR. JONES: It's still hearsay. The only way --

7 MR. GOLDSTEIN: This is --

8 MR. JONES: -- you get around --

9 MR. GOLDSTEIN: It's a --

10 MR. JONES: -- hearsay --

11 MR. GOLDSTEIN: -- business record. Come on.

12 MR. JONES: No, I'll let the judge rule.

13 BY MR. GOLDSTEIN:

14 Q Do you recognize these documents that are in here as
15 Defendant's proposed Exhibit E?

16 A I didn't deal with this, I just know of it. My son,
17 Jacob deals with this.

18 Q Okay. Have you ever reviewed these documents
19 before?

20 A No.

21 Q Okay.

22 (Pause - whispered conversation)

23 Q Looking at these exhibits now, can you see them for
24 the first time, please? For example, let's just look at the

1 first one, 5440, is purported to be an invoice from a company
2 named WJ Borkopf (ph)*** 03:18:50. Are you awa -- do you know
3 of that company?

4 A Plumbing and mechanical piping.

5 Q Okay. And --

6 A I don't know anybody from the company.

7 Q Are you aware of any problems with the urinals at --
8 in the men's restroom on the first floor in or around the time
9 period of July of 2017?

10 A Yes.

11 Q All right. And are you aware that -- was somebody
12 called to make those repairs?

13 A Yes, repetitively.

14 Q All right. And looking at this invoice, is that
15 what this invoice is for?

16 A Yes.

17 Q All right.

18 MR. GOLDSTEIN: Move for the admission of 5440 and
19 5441.

20 MR. JONES: Hearsay, Your Honor.

21 MR. GOLDSTEIN: Business records exception, Judge.

22 MR. JONES: Even with business records, you have to
23 have a COR affidavit.

24 THE COURT: Something.

1 MR. GOLDSTEIN: You don't -- huh?

2 THE COURT: You have to have something, Counsel.

3 MR. GOLDSTEIN: You -- you -- the authenticity
4 objection for which the COR affidavit is required is waived if
5 it's not made with the 21 days --

6 MR. JONES: Right.

7 MR. GOLDSTEIN: -- under the new Rules. And that's
8 why we have them, is we don't get to trial and go, aha, you
9 need a -- a thing. So --

10 MS. LOBELLO: Well, for --

11 MR. JONES: Well, actually, --

12 MS. LOBELLO: -- all we know, --

13 MR. JONES: -- that --

14 MS. LOBELLO: -- these were produced before the new
15 Rule.

16 MR. JONES: The Rule regarding business records
17 specifically says they are not -- they're not hearsay if
18 they're accompanied by COR affidavit.

19 MR. GOLDSTEIN: Okay.

20 THE COURT: Or, I -- I believe you have to object to
21 them. You -- do you have any objection to the exhibits of the
22 --

23 MR. JONES: I don't know and I don't know if, at the
24 time they were produced, that Rule even existed, since --

1 THE COURT: When --
2 MR. JONES: -- the case --
3 THE COURT: -- did --
4 MR. JONES: -- is --
5 THE COURT: -- you produce these re -- these?
6 MR. GOLDSTEIN: I will find out.
7 THE COURT: Okay.
8 MS. STOLZ: Those were in response to our discovery
9 re -- in -- to their discovery request.
10 MR. GOLDSTEIN: They requested them in discovery,
11 Judge, and --
12 MR. JONES: 2017 --
13 MR. GOLDSTEIN: -- we produced them.
14 MR. JONES: -- in July.
15 (whispered conversation)
16 MS. STOLZ: We'll find it.
17 MR. GOLDSTEIN: I will find out the date.
18 (whispered conversation)
19 MR. GOLDSTEIN: 5440 to --
20 MR. JONES: I mean, --
21 MR. GOLDSTEIN: -- 55 --
22 MR. JONES: And Judge, I -- to -- before we even get
23 into a big fight about this, the invoice that he's offering
24 says urinal in men's restroom, first floor is clogged.

1 MR. GOLDSTEIN: Wai -- are you reading from the --
2 the document that --
3 MR. JONES: No, I --
4 MR. GOLDSTEIN: -- you don't --
5 MR. JONES: -- I'm just --
6 MR. GOLDSTEIN: -- want admitted?
7 MR. JONES: -- trying to say, it -- it's absolutely
8 not relevant. It's dated since July of 2017.
9 MR. GOLDSTEIN: Yes.
10 MR. JONES: When did this case start, 2018?
11 MS. LOBELLO: 2017.
12 MR. JONES: 2017.
13 MR. GOLDSTEIN: Yeah, 2017. Okay.
14 THE COURT: What's the purpose of these documents,
15 Counsel?
16 MR. GOLDSTEIN: The doc -- the purpose of the
17 documents, Judge, are to show the costs --
18 MS. LOBELLO: She's saying --
19 MR. GOLDSTEIN: -- and expenses --
20 MS. LOBELLO: -- that you left --
21 MR. GOLDSTEIN: -- incurred.
22 MS. LOBELLO: -- the building in disrepair.
23 MR. GOLDSTEIN: The Plaintiff's theory --
24 MS. LOBELLO: You left the toilet clogged.

1 MR. GOLDSTEIN: -- is that he was the one -- the
2 reason why, even though he didn't contribute anything to this
3 building, the reason why he was made a 50-percent owner of
4 this is because he was going to be the one to run it, he was
5 going to handle all the repairs and maintenance, --

6 MS. LOBELLO: He didn't put --

7 MR. GOLDSTEIN: -- he was going to be --

8 MS. LOBELLO: -- a dime in? Is that --

9 MR. GOLDSTEIN: -- the one to do --

10 MS. LOBELLO: Is that seriously --

11 MR. GOLDSTEIN: -- all the construction, --

12 MS. LOBELLO: -- their testimony?

13 MR. GOLDSTEIN: -- tenant improvements, and all of
14 those things in his alleged specialty. And so this shows you,
15 Judge, he did none of that. This building was falling apart.
16 There was thousands and thousands of dollars in repairs that
17 were needed to be done after my client, after he transferred
18 these to my client. So, the -- the idea and he did anything
19 is completely false.

20 MR. JONES: Okay, July of 2017 -- so, nearly a year
21 --

22 MR. GOLDSTEIN: These were disclo --

23 MR. JONES: -- from when he's no longer having
24 anything to do with Patients One, a toilet gets clogged and

1 they're trying to blame him? I mean, that's why I'm saying
2 none of this is relevant. If you go -- these are 2019
3 repairs. These are 2018 repairs. Are they really trying to
4 say that was his fault from four years prior? Sorry, that's
5 insane.

6 MR. GOLDSTEIN: All right, good for you. This --
7 this was disclosed in December of 2019, Judge. So, certainly
8 within the time frame of the Rule.

9 THE COURT: And I don't --

10 MR. GOLDSTEIN: You can argue that about the weight,
11 and -- John, all you want, but it doesn't mean they're not
12 admissible. In other words, he could say listen, it's -- it's
13 not -- Judge, you should give no weight to this or very little
14 weight because there repairs were so remote in time. But the
15 -- you know, the -- the fact of the matter is, the -- this
16 building was in this kind of disrepair. And she --

17 MR. JONES: I --

18 MR. GOLDSTEIN: -- had to expend all this money.
19 And by the way, if he's claiming it's still his building, he
20 didn't pay for half of these expenses.

21 MR. JONES: Okay, well, that's something to be
22 argued when we talk about what's owed by whom.

23 MR. GOLDSTEIN: That's right. So, isn't it -- and
24 that's not part of this trial?

1 MR. JONES: Well, I don't -- I don't think --

2 THE COURT: I don't know what's all part of this
3 trial.

4 MR. JONES: I don't think you -- I don't think the
5 Court' going to be in a position to either, order either party
6 to write a check -- because first of all, we're now 10 -- 10 -
7 - you know, we're a year down the road from the first day of
8 trial. So -- and discovery closed you know, long before that,
9 so there would be no way to value these assets accurately
10 after the discovery cutoff. So there's going to eith -- you
11 know, if the Court rules however the Court rules, my guess is
12 there will have to be a second phase with regard to -- un --
13 unless the Court just says all right, well, it's going to be
14 50/50 on XYZ asset and then we have to worry about how we do a
15 partition action or something along those lines.

16 MR. GOLDSTEIN: I don't think so. We can prevail
17 and that's that and this case is over. And we pre --

18 MR. JONES: You could.

19 MR. GOLDSTEIN: -- we prevail, this case ends, there
20 is no more any of this. You -- there's no more
21 reimbursements, there's no going through anything, we prevail,
22 this case is done, these people go their separate ways, which
23 is exactly what it -- should have happened years ago. I just
24 need to know if I can get these in, Judge. I mean, really, we

1 can argue about the weight later. If he's going to make me
2 spend --

3 THE COURT: She has no idea about these documents.
4 She's not reviewed these documents.

5 MR. GOLDSTEIN: I under --

6 THE COURT: We are --

7 MR. GOLDSTEIN: -- stand.

8 THE COURT: -- in court. You may have produced them
9 a year ago, but you didn't produce them to your own client.
10 She doesn't have a witness here to testify to any of this
11 stuff as --

12 MR. GOLDSTEIN: She --

13 THE COURT: -- to the -- the -- the problems with
14 the buildings (sic.)

15 MR. GOLDSTEIN: She just testified that it was in
16 terrible shape. She just testified to that.

17 THE COURT: Sure.

18 MR. GOLDSTEIN: She gave you a laundry list of all
19 the things --

20 THE COURT: She did.

21 MR. GOLDSTEIN: -- that have gone wrong. And so
22 these documents --

23 THE COURT: She can give me that. You can't give me
24 these documents. They're hearsay, clearly, and I don't see

1 any way that you can bring them in.

2 MR. GOLDSTEIN: There's a business records
3 exception.

4 THE COURT: Well, read it --

5 MR. JONES: And --

6 THE COURT: -- to me.

7 MR. JONES: And actually, --

8 THE COURT: Read --

9 MS. ABRAMS: And --

10 THE COURT: Read the business -- re -- business
11 records exception to me, because I need to have clarity on
12 that before -- before I go further on another ruling.

13 MR. JONES: Well, the -- the record of regularly
14 conducted activity is the -- is the Statue he's talking about.
15 It's not called business records anymore.

16 MR. GOLDSTEIN: That's right.

17 MR. JONES: A memorandum, report, record, or
18 compilation of data, --

19 MR. JONES: Yeah.

20 MR. GOLDSTEIN: -- in any form, of acts, events,
21 condition, opinions, or diagnosis, made at or near the time or
22 from information transmitted --

23 MR. JONES: Keep reading.

24 MR. GOLDSTEIN: -- by a person with knowledge, all

1 in the worst of regularly conducted activity, as shown by the
2 testimony or affidavit --

3 MR. JONES: There you go.

4 MR. GOLDSTEIN: -- of a custodian or other qualified
5 person is not inadmissible under hearsay, unless the source of
6 income or the method or circumstance of preparation indicate
7 lack of -- sorry, trustworthiness.

8 MR. JONES: So, it's not just authentication. You
9 actually have to have someone testify. These are records of
10 resily (sic) -- you know, regularly conducted business
11 activity. If you don't have that, they can't come in.

12 MR. GOLDSTEIN: I -- that's not my understanding of
13 the -- of the way of the way the change of the Rule is, so we
14 avoid this --

15 MR. JONES: No.

16 MR. GOLDSTEIN: -- exact argument.

17 MS. LOBELLO: That's an authenticity objection.

18 MR. JONES: Yeah, this is a hearsay because --

19 THE COURT: Is --

20 MR. JONES: -- you -- the -- the threshold isn't
21 authenticity, the threshold is whether this actually is a
22 regular -- a -- a record of regularly conducted business
23 activity.

24 MR. GOLDSTEIN: And it's not?

1 MR. JONES: You need an affidavit --
2 THE COURT: You need --
3 MR. JONES: -- or a witness --
4 THE COURT: -- and affidavit --
5 MR. JONES: -- that says --
6 THE COURT: -- or a witness.
7 MR. JONES: -- this is what we send out as our
8 invoice. This is what our invoices look like.
9 MR. GOLDSTEIN: All right, listen, I don't want to
10 burn anymore time on all this. This is not a --
11 THE COURT: I can't bring it in.
12 MR. GOLDSTEIN: We're not winning or losing our case
13 on this issue. I -- right here. I'll --
14 THE COURT: Good.
15 MR. GOLDSTEIN: -- say that. So --
16 THE CLERK: Your Honor, for the record, can I get
17 clarification real quick?
18 THE COURT: Yes.
19 THE CLERK: You're not admitting -- you weren't
20 offering the entire exhibit, right? Just those two?
21 MR. GOLDSTEIN: I would, but I'm not going to go
22 through every single one. We'll be here for --
23 THE COURT: There's --
24 MR. GOLDSTEIN: -- a week.

1 THE COURT: -- hundreds of --
2 THE CLERK: So, which -- which Bates stamps again?
3 THE COURT: None of them are in.
4 THE CLERK: Well, he --
5 MR. JONES: It's --
6 THE CLERK: -- offered them, so I have to put --
7 THE COURT: Oh.
8 THE CLERK: -- that they were offered.
9 MR. GOLDSTEIN: I'll withdraw offering it.
10 THE CLERK: Withdraw? Okay.
11 MR. GOLDSTEIN: Very well.
12 THE CLERK: Thank you.
13 MR. GOLDSTEIN: So, I'll make it easy for everybody.
14 THE COURT: And they are --
15 THE CLERK: Thank you.
16 THE COURT: -- ruled --
17 MR. GOLDSTEIN: You got it.
18 THE COURT: -- not admissible.
19 THE CLERK: Okay.
20 THE COURT: Exhibit E.
21 MR. GOLDSTEIN: Yep.
22 (whispered conversation)
23 BY MR. GOLDSTEIN:
24 Q You had earlier testified about Tom's lease during

1 the time that he was paying rent. And I think it was \$4,000 a
2 month for 6,000 square feet, correct?

3 A Yes.

4 Q All right. Now, did he continue paying rent after
5 the September 13th transfer?

6 A Yes.

7 Q All right. And how much was he paying?

8 A \$4,000.

9 Q Okay. And did he pay that in October of 2016?

10 A Yes.

11 Q And how about in the next month, November?

12 A Yes.

13 Q And -- and did there come a time when Tom stopped
14 paying that rent?

15 A He stopped paying rent as of November 2017.

16 Q And what happened in November 2017?

17 A I was served with a divorce lawsuit on November the
18 1st.

19 Q Okay. Did you change your position in any way,
20 based upon Tom's transfer of these assets?

21 A Yes.

22 Q Okay. And can you tell the Court, for example, how
23 you do -- how you changed your position, with regard to the
24 Queen Charlotte residence?

1 A I refinanced the -- the house --

2 Q Okay.

3 A -- a year later.

4 Q And so, when you say you refinanced, was your -- the
5 original mortgage, Tom was on that?

6 A Yes.

7 Q Okay. And when you refinanced, did you remove him
8 from it?

9 A Yes.

10 Q Do you recall how much -- what was the amount of --
11 that you refinanced?

12 A I think the amount of was about \$600,000.

13 Q All right. And did you -- how about for Lowe? That
14 was --

15 A Lowe's property was --

16 Q Didn't have one.

17 A -- he paid off.

18 Q That's right, it was paid off. All right. Who paid
19 that off?

20 A Tom paid it off.

21 Q Okay, and do you recall how much?

22 A I have no idea when and how much. He did it behind
23 my back, without my knowledge. He just called me one day and
24 said I paid off the Lowe house.

1 Q Okay.

2 MS. LOBELLO: I can't believe that we --

3 MR. GOLDSTEIN: All right.

4 MS. LOBELLO: -- wasted our time going --

5 MR. GOLDSTEIN: What about --

6 MS. LOBELLO: -- over that summary.

7 MR. GOLDSTEIN: What about --

8 MR. JONES: All that -- all that time fighting over
9 that summary and she just testified as to exactly --

10 MR. GOLDSTEIN: Do you have an objection or are you
11 just --

12 MR. JONES: I'm just -- I --

13 MR. GOLDSTEIN: Okay.

14 MR. JONES: I've been saying some --

15 MR. GOLDSTEIN: Thank you. Can I move on?

16 THE COURT: Yes, you may.

17 MR. GOLDSTEIN: Thank you.

18 BY MR. GOLDSTEIN:

19 Q The Blue Point -- or, excuse me, the Patients One
20 building, did you change your position in that regard too?

21 A Yes.

22 Q And what --

23 A I refinanced the building as well.

24 Q Okay. And -- and was Tom obligated on the loan

1 before you refinanced it?

2 A Yes.

3 Q And then as a result of your refinancing, was he
4 removed from that obligation?

5 A Yes.

6 Q And do you recall how much that was?

7 A One point -- over \$1.2 million.

8 Q And would you have refinanced either property if you
9 knew that Tom was continuing to assert an ownership interest
10 in those properties?

11 A No.

12 MS. LOBELLO: She did know it, she -- that's her --

13 THE DEFENDANT: If he was the owner -- am I
14 understanding correctly? If he was the owner -- co-owner of
15 the property, you're asking me --

16 BY MR. GOLDSTEIN:

17 Q If -- wha --

18 A -- if he --

19 Q Let me ask -- all right, let me rephrase it for you
20 and make sure you understand what I'm asking. If Tom hadn't
21 signed those transfers to you, would you have refinanced the
22 properties?

23 A No.

24 Q Would you have removed him from his obligations on

1 the debt if -- if he hadn't signed the transfers to you?

2 A No.

3 Q And during this time period after September of 2016,
4 was Tom actually occupying the office space?

5 A Yes.

6 Q All right. Let's talk about -- were you -- you
7 testified earlier about being on -- an authorized user on
8 Tom's Amex. Do you recall that?

9 A Yes.

10 Q All right. And did there come to be a time where
11 you learned that -- where you were removed from that?

12 A Yes, he --

13 Q Okay, and when --

14 A -- he --

15 Q Around --

16 A -- removed me from one day to --

17 MR. JONES: Objection, --

18 THE DEFENDANT: -- another --

19 MR. JONES: -- foundation.

20 MR. GOLDSTEIN: Okay. And how did you learn that?

21 THE COURT: About when? Give us a --

22 MR. GOLDSTEIN: Yeah.

23 THE COURT: -- time frame.

24 MR. GOLDSTEIN: Okay, when did it happen, --

1 MR. JONES: And how.

2 BY MR. GOLDSTEIN:

3 Q -- first of all?

4 A It happened in October and I heard, from one day to
5 another, that my bills are not getting paid.

6 Q I'm sorry, October of what year, please?

7 A 2016.

8 Q So, just within a few weeks after the September 13th
9 date?

10 A Yeah.

11 MR. JONES: Same objection. How did she learn it,
12 Judge?

13 THE COURT: How did --

14 MR. GOLDSTEIN: First I've --

15 THE COURT: -- she learn it?

16 MR. GOLDSTEIN: -- got to get the time in. I -- I
17 want to get the time, all right?

18 BY MR. GOLDSTEIN:

19 Q All right. So, how did you find out that you could
20 no -- were no longer an authorized user on the credit card?

21 A I wasn't able to order things. The credit card was
22 blocked.

23 Q Okay. So you tried to order something and it was
24 declined?

1 A Yes, we order from McKesson, gloves and towels and
2 robes, paper, whatever, and the order didn't go through.

3 Q Okay. And -- and you had testified earlier that Tom
4 was living in Florida since about 2015, okay? Did there come
5 to be a time where Tom removed the remainder of his belongings
6 from the Queen Charlotte home?

7 A No, he moved his belongings in October 2016.

8 Q Yeah, okay. So there -- sorry, I know it's -- it's
9 hard. Maybe you're not understanding my questions. So, he --
10 there did come a time when he removed the belongings, right?

11 A Yes.

12 Q And that was when?

13 A October 2016.

14 Q Okay. And -- all right. Did -- did he take
15 anything of yours when he left?

16 A Yes.

17 Q And what did he take?

18 A He took all of my jewelry that was in his gun safe.

19 Q All right. Has he returned that to you?

20 A No.

21 Q The -- let's talk about your treatment of Tom, as a
22 doctor.

23 THE COURT: I'm sorry, I didn't hear that.

24 MR. GOLDSTEIN: Sorry, treatment of To -- her

1 treatment of Tom, in her capacity as a doctor. It's one of
2 these issues in this case, here.

3 BY MR. GOLDSTEIN:

4 Q Were you Tom's treating physician at the time of the
5 execution of these deeds?

6 MR. JONES: Objection, asked-and-answered, Your
7 Honor.

8 MR. GOLDSTEIN: That -- that exact question wasn't.

9 MR. JONES: Well, no, no -- well, le -- I'll let the
10 Court decide whether it --

11 THE COURT: I don't recall --

12 MR. JONES: -- was that exact --

13 THE COURT: -- that question --

14 MR. JONES: -- question.

15 THE COURT: -- being asked or answered, as to --

16 MR. GOLDSTEIN: That's right.

17 THE COURT: -- if she was the treating physician at
18 the time of signing the deeds.

19 MR. GOLDSTEIN: That's right.

20 THE COURT: I don't recall that question.

21 MR. JONES: Judge, I have the transcript. I --

22 THE COURT: Great. We'll take a moment and you find
23 it for me.

24 MS. LOBELLO: Thank you.

1 (Pause - whispered conversation)
2 MR. JONES: Well, we know she per -- prescribed him
3 medicine --
4 MR. GOLDSTEIN: No, --
5 MR. JONES: -- in --
6 MR. GOLDSTEIN: -- don't make an argument, John.
7 MR. JONES: No, no --
8 MR. GOLDSTEIN: Just, please find it.
9 THE COURT: Counsel, --
10 MR. JONES: Okay.
11 THE COURT: -- was she the treating physician --
12 MR. JONES: Okay, --
13 THE COURT: -- is the question.
14 MR. JONES: -- page 34, line 22, quote -- let's do
15 it.
16 THE COURT: Yep.
17 MR. JONES: I knew this was going to happen. But
18 you were his primary care physician from 2000 to 2017, right?
19 Yes.
20 MR. GOLDSTEIN: Whe -- sorry, where?
21 MR. JONES: Done.
22 MS. LOBELLO: Page what, 34?
23 MR. JONES: Page four -- 34, line 22.
24 MR. GOLDSTEIN: Okay.

1 THE COURT: That's why I didn't remember the
2 specific question.

3 MR. GOLDSTEIN: It wasn't.

4 THE COURT: But I -- I get it now. I didn't have
5 the dates memorized in the context of the question.

6 MR. GOLDSTEIN: Right.

7 BY MR. GOLDSTEIN:

8 Q Did you -- do you recall being asked that question
9 and answering yes, ma'am?

10 A I don't --

11 Q Can you --

12 A -- remember that one.

13 Q All right. Can you -- can you explain what you
14 meant by that, to the Court?

15 MR. JONES: Objection, Your Honor. Is he asking the
16 question, please explain what the word yes means?

17 MR. GOLDSTEIN: What is -- how -- what did she mean
18 by and answering yes to that question.

19 BY MR. GOLDSTEIN:

20 Q What does it mean to be somebody's primary care
21 physician in the context that you answered that question?

22 A That means that the -- that per -- the patient
23 chooses you to come for (sic) treatment of medical problems.

24 Q Okay. And so at the time of these -- oh. In 2016,

1 did you prescribe Tom any medications, other than the singular
2 time on May 14th of 2016? And that is exhibit --

3 MR. JONES: Objection, Your Honor, we already
4 covered the issue of employees being under her charge. They
5 have write per -- I mean, --

6 MR. GOLDSTEIN: They can --

7 MR. JONES: -- the prescription --

8 MR. GOLDSTEIN: -- write them.

9 MR. JONES: I know, but the prescription's under
10 their license.

11 MR. GOLDSTEIN: That's correct. Not her's, so --

12 MR. JONES: No, no, under the doctor's license.

13 MR. GOLDSTEIN: No, it's not. They have their own.

14 That was -- her testimony was --

15 MR. JONES: There --

16 MR. GOLDSTEIN: -- absolutely that they have their
17 own and they can do it independently.

18 (whispered conversation)

19 THE COURT: What I'm looking at -- Madam Clerk, do
20 we have an exhibit that was --

21 MR. GOLDSTEIN: Exhibit 4.

22 THE COURT: -- this patient report? Was that
23 entered --

24 MS. LOBELLO: Exhibit 4.

1 THE COURT: -- into evidence?
2 MR. GOLDSTEIN: Exhibit 4.
3 MR. JONES: Exhibit 4.
4 THE COURT: The one that says patient report on it?
5 MR. GOLDSTEIN: That's the --
6 THE CLERK: It was --
7 MS. LOBELLO: Yes.
8 THE CLERK: -- stipulated to.
9 MR. GOLDSTEIN: -- Nevada prescription monitoring,
10 yes.
11 THE COURT: Number four?
12 THE CLERK: Yes, it was stipulated.
13 THE COURT: And on this document, it shows, under
14 the column de -- pre -- prescriber, in January of 2017, DAMIC,
15 which s -- whi --
16 MR. JONES: That's her, January of 2017, she's still
17 prescribing.
18 MR. GOLDSTEIN: That's right and she only prescribed
19 once in 2016, and nowhere near September.
20 THE COURT: Okay.
21 (whispered conversation)
22 BY MR. GOLDSTEIN:
23 Q So, in 2016 -- specifically, it says May 17, 2016 --
24 well, let's start with this. In 2016, did you see Tom as your

1 patient at any time in 2016, other than this -- did he ask you
2 for a -- sorry, strike that. Let me back up. Did you
3 prescribe Tom any meds, other than on May -- other than the
4 one that was filled on May, 17, 2016, in that year?

5 A No.

6 Q All right. And did you treat them, other than this
7 singular time in -- in 2016?

8 A Yes, I saw him once in April for abdominal
9 epigastric pain.

10 Q Okay. And so -- and -- and -- okay, just tell the
11 Court what happened on that April visit. Was that here, in
12 Las Vegas?

13 A Yes. I saw him because he was having some non-
14 specific chest pains and some epigastric pain, which is the
15 upper stomach. And I ordered ultrasound of the abdomen. I
16 thought maybe he was a gallbladder issues.

17 Q Okay.

18 A That's it.

19 Q And so then, as a result of that visit, what was the
20 treatment that you recommended?

21 A He followed up with Roberto a month later --

22 Q Okay.

23 A -- because he has been following with Roberto more
24 than with me.

1 Q Be -- before -- before you get to following up, what
2 -- what treatment did you recommended?

3 A None.

4 Q None?

5 A There was no treatment whe -- at the time.

6 Q Didn't --

7 A Was --

8 Q -- prescribe any meds?

9 A No.

10 Q Okay.

11 THE COURT: And we're --

12 MR. GOLDSTEIN: And so --

13 THE COURT: -- talking about May 17th?

14 MR. GOLDSTEIN: No, this was April of '16, Judge.

15 We already established that in May -- on May se -- on May
16 17th, he filled the prescription that she had written. I
17 asked if there were any other times in 2016, where she treated
18 him. Her answer was in April of 2016, he came in and saw her
19 for this and -- and she recommended no treatment and then she
20 followed -- he followed up with Mr. Carillo.

21 THE COURT: Okay.

22 BY MR. GOLDSTEIN:

23 Q And just -- just to refresh everybody's
24 recollection, Mr. Carillo is the nurse practitioner at -- that

1 is employed at your clinic?

2 A Correct.

3 Q All right. And just to be clear again, does he have
4 his own license to prescribe medicines?

5 A Yes.

6 Q And is he licensed independently of your license?

7 A Yes.

8 Q And is that license his license to treat patients
9 and -- and independent of your license?

10 A Yes.

11 Q Okay. For Mr. Carillo's patients, are you the
12 primary care physician?

13 A No.

14 Q Okay. So -- okay. Now, for 2016 -- so we have the
15 April time and then we have the May prescription. Now, the
16 May prescription, how long -- it says on here, the 30 days
17 prescription. I see that. Can you tell the Court why -- why
18 it was that you were the one who issued that May prescription
19 instead of Mr. Carillo?

20 A Mr. Carrillo came to me and said that Tom is asking
21 for an -- a refill on his controlled substances. And he says,
22 I will not do it because it's a month early.

23 Q Okay.

24 A So I looked at it and I said wow, --

1 MR. JONES: Objection, Your Honor, hearsay.

2 MR. GOLDSTEIN: Okay, hold on. That's okay. That's
3 all right. Can you --

4 THE DEFENDANT: He -- while you write (ph)***
5 03:41:43 --

6 MR. GOLDSTEIN: Wait. Just --

7 THE COURT: Hold on.

8 MR. GOLDSTEIN: -- stop for a second.

9 BY MR. GOLDSTEIN:

10 Q Can you -- can you explain to the Court what cross
11 coverage is?

12 A Yes. If my -- I am on vacation and my patient needs
13 care, then any of the providers in my office will see them for
14 the problem -- for a medical problem.

15 Q All right. And so do you -- does that happen in
16 your medical practice?

17 A Yes.

18 Q Okay. And so, had you advised Tom, at any point
19 during your relationship with him, that you would no longer be
20 his primary care physician?

21 A Yes.

22 Q And when was the first time that you advised him of
23 such?

24 A 2001.

1 Q Okay. And -- but you did, at some point, continue
2 to treat him between 2001 and 2017, yes?

3 A Yes.

4 Q Okay. And can you explain to the Court, why?

5 A He refused to see anybody else.

6 Q And his refusal to see anybody else, did that put
7 you in a -- any kind of a (sic) ethical dilemma?

8 A Yes.

9 Q Okay. Can you explain to the Court?

10 A If the patient says I am not going to go anywhere
11 else because I don't trust anybody and I only trust you and if
12 you don't see me, then I'm not going to take these medications
13 and I don't -- go -- and I'm not going to follow up, it's my -
14 - it's a dilemma in non nocere. So, do no harm. And so there
15 is abandonment and do no harm, so I choose do no harm.

16 (whispered conversation)

17 Q All right. When did you -- when did Mr. Carillo
18 become employed at your medical practice?

19 A 2008.

20 Q And since 2008 -- well, when did it -- did Tom start
21 treating with Mr. Carillo?

22 A Yes.

23 Q In 2008?

24 A Yes, I inform both of them that, as of this moment,

1 he will -- Tom will see Mr. Carillo as his primary care
2 physician and I will be happy to cross cover when Roberto is
3 on vacation, sick, off, whatever.

4 Q Okay. Did you -- so, at the time of the signing of
5 the deeds in September of 2016, were you treating Tom?

6 A No.

7 Q Okay. And between that May time period of that
8 singular prescription, which was a 30-day supply, and the time
9 in -- January 26th of 2017, did you treat Tom for any medical
10 conditions?

11 A No.

12 Q Do you know who was?

13 A I thought he would follow up with Roberto, but after
14 we split up, Roberto s -- told me I am not -- I don't feel
15 comfortable seeing Tom. So, I don't know if --

16 Q When Tom wa --

17 A Oh, well, I know for sure that he didn't follow up
18 with Roberto.

19 Q Okay.

20 A We have his chart. Duh.

21 Q Oh, okay. Did -- hang on.

22 MS. LOBELLO: Too bad they didn't produce that.

23 BY MR. GOLDSTEIN:

24 Q Did you have -- when Tom was in Florida, did you ha

1 -- refer -- make any referrals for doctors for Tom?

2 A My friend, Dr. Tingey was his orthopedics here, in
3 town. And when Tom was having knee problems while he was in
4 Florida and not coming back home, I bumped into Craig one day
5 and I said hey, by the way, do you have an -- a connection in
6 Florida in -- around Naples? And he goes, yeah, I have a --

7 MR. JONES: Objection, --

8 THE DEFENDANT: -- friend there.

9 MR. JONES: -- hearsay, Your Honor.

10 MR. GOLDSTEIN: Yeah, you can't --

11 THE COURT: Sustained.

12 BY MR. GOLDSTEIN:

13 Q You can't say what he told you. But did you --

14 A Yes.

15 Q Okay. So did you refer Tom to any doctors in
16 Florida?

17 A I gave him a name.

18 Q Okay, who?

19 A I don't know.

20 Q Oh, --

21 A I don't remember.

22 Q -- okay, fine. So, during this time period fro --
23 of 2016, other than the singular May event, did you treat Tom
24 for anything?

1 A No.

2 Q I'm sorry, in that April -- thing, but you didn't
3 treat him, so.

4 A No.

5 Q Other than that? No?

6 A No.

7 Q Okay.

8 (whispered conversation)

9 Q The -- did you have any other conversations with Tom
10 during the course of your relationship, where you told him
11 that you would -- would not be his physician?

12 A Yes.

13 Q And can you tell the Court about those conversations
14 and when they took place?

15 A There were several of them and I always said I
16 cannot continue being your primary care physician. The
17 primary person you're going to see, you will have to see
18 Roberto and I will be happy to cross over.

19 Q And what did Tom say in response to that?

20 A He agreed. He was okay with it.

21 Q Okay.

22 (Pause - whispered conversation)

23 MR. GOLDSTEIN: Just the Court's indulgence. I'm
24 going through this to see how much more, if anything, I have,

1 Your Honor.

2 (Pause - whispered conversation)

3 BY MR. GOLDSTEIN:

4 Q You were asked by Mr. Jones, in August of 2016,
5 about Tom being prescribed --

6 MR. JONES: August of 2016?

7 MR. GOLDSTEIN: Yes.

8 MR. JONES: How --

9 MR. GOLDSTEIN: About --

10 MR. JONES: You said you were asked in August of --

11 MR. GOLDSTEIN: No, no, no, --

12 MR. JONES: -- 2016.

13 MR. GOLDSTEIN: -- she was asked by Mr. Jones about
14 prescriptions.

15 MR. JONES: About?

16 MR. GOLDSTEIN: Yes.

17 MR. JONES: But I think you said in.

18 MR. GOLDSTEIN: Oh, sorry.

19 BY MR. GOLDSTEIN:

20 Q You -- you were asked by Mr. Jones, questions about
21 prescriptions to Tom in 2016. He was prescribed Zolpadim,
22 Oprazalam, and Oxycodone. You didn't -- you didn't prescribe
23 those?

24 A No, Mr. Carillo did.

1 Q Yeah. Oh, you heard -- Ms. Lisme -- I don't know
2 how to say it -- Lismeister's (ph)*** 03:49:32 na --
3 testimony. Do you recall that? I know it was a long time ago
4 in this case. Do you recall her testimony?

5 A Who?

6 MS. LOBELLO: Lesmeister.

7 MR. GOLDSTEIN: Le -- I think our last name is Lesme
8 -- is that --

9 THE DEFENDANT: Oh, Donna Lesmeister.

10 BY MR. GOLDSTEIN:

11 Q Yeah. I'm sorry, --

12 A Okay.

13 Q -- I don't know how to pronounce it. I --

14 A Okay.

15 Q -- probably butchered it. Do you recall her
16 testifying here, all right, about giving a -- drugs to Tom?

17 Do you remember that?

18 A Giving what to Tom?

19 Q His medication. Do you recall that testimony?

20 A Yeah.

21 Q Okay.

22 A Fuzzy memory.

23 Q It's okay. You know what? It's -- it's -- do you
24 know how Tom got his meds when he was in Florida?

1 A He texted Roberto that he needs refills and his
2 assistant went to pick it up at Costco and overnight to him to
3 Florida.

4 Q On the --
5 (whispered conversation)

6 Q On Exhibit 3 -- you were shown Exhibits 3. Do you
7 remember that? Mr. Jones show -- showed you Exhibit 3, which
8 was a document that was translated. This here?

9 A Yes.

10 Q Do you remember this document?

11 A Yes.

12 Q Do you remember being asked questions about it?

13 A Yes.

14 Q In particular, do you --

15 A It's Exhibit 2.

16 Q Right, Exhibit 2. Do you --

17 (whispered conversation)

18 Q You were asked if this document says marriage
19 certificate.

20 A It's a loose translation.

21 Q First of all, what -- what --

22 MR. JONES: Actually, Your Honor, I'm pretty sure I
23 didn't say -- I didn't ask her if it says marriage
24 certificate. I asked -- I said it says marriage certificate

1 there. I mean, I -- he's got to get the question --

2 MR. GOLDSTEIN: Okay, I -- it -- that's okay. I
3 just wanted to refresh her recollection to the line of
4 questioning, that's all.

5 BY MR. GOLDSTEIN:

6 Q What language is this written in?

7 A It's --

8 Q The original document.

9 A It's combination (sic) of Slovakian and Latin.

10 Q All right. Is that you are native -- not Latin, but
11 is -- is Slovakian your la -- native language?

12 A Yes.

13 Q All right. And so read it, write it, understand it?

14 A Yes.

15 Q Okay. So where it says the words literas
16 matrimoniales, what does that mean to you?

17 MR. JONES: Objection, Your Honor, we have a
18 certified transcript --

19 MR. GOLDSTEIN: It's fine.

20 MR. JONES: -- of the document that's in evidence.

21 MR. GOLDSTEIN: That's okay. I'm asking her what le
22 -- the --

23 MR. JONES: Then I want to know if she's a certified
24 translator.

1 MR. GOLDSTEIN: She --
2 MR. JONES: Because --
3 MR. GOLDSTEIN: This is --
4 MR. JONES: -- that's the only person who can
5 testify as to what something means --
6 MR. GOLDSTEIN: To her?
7 MR. JONES: -- in court.
8 MR. GOLDSTEIN: To her?
9 MR. JONES: I'm talking about in court, if you're
10 going to translate a foreign language, it --
11 MR. GOLDSTEIN: Well, --
12 MR. JONES: -- has to be by a certified translator.
13 MR. GOLDSTEIN: -- I'm not asking her to --
14 THE COURT: Thank you.
15 MR. GOLDSTEIN: -- translate the document.
16 THE COURT: I'm going to overrule your objection.
17 You can -- may go forward with the question.
18 MR. GOLDSTEIN: Thank you.
19 BY MR. GOLDSTEIN:
20 Q What does those wor -- what do those words mean to
21 you?
22 A It is loosely translated to English as a marriage
23 certificate, but this is a not a certificate. This is a
24 letter of marriage to the diocese where the church belongs.

1 Q Okay. And --
2 A It's a letter. List means a letter. Littérale
3 means letter f -- in Latin.
4 Q Okay. And matrimoniales?
5 A Is marriage.
6 Q What -- what does sobazni list mean to you?
7 A Again, a loose translation in English is marriage
8 document.
9 Q Okay. Is this a governmental document?
10 A No. You can see on top, it says prousu (ph)***
11 03:53:56 ecclesiastical cena timbra -- timbro (ph)***
12 03:53:58, which means, in --
13 THE COURT: I'm sorry, --
14 THE DEFENDANT: -- again, --
15 THE COURT: -- she can't translate.
16 MR. GOLDSTEIN: No, no, what --
17 THE COURT: She did say --
18 THE DEFENDANT: I --
19 THE COURT: -- what does the doc -- the --
20 MR. GOLDSTEIN: It's okay, wha --
21 THE COURT: -- those words mean to her, personally.
22 MR. GOLDSTEIN: Yeah, no, what --
23 THE DEFENDANT: Yes.
24 MR. GOLDSTEIN: What does --

1 THE COURT: She cannot give the meaning of that
2 document.

3 MR. GOLDSTEIN: I understand. I'm -- I don't -- I'm
4 not asking her what -- what it means.

5 BY MR. GOLDSTEIN:

6 Q I want to ask -- I want to -- I want to understand
7 what this means to you, okay? This document here, okay? Did
8 this document mean to you that you were married?

9 A No.

10 Q Oh. Why not?

11 A Because this is not a marriage certificate issued by
12 a government agency.

13 Q And so your knowledge and understanding of the
14 marriage laws in your country, did you have any intent of
15 getting married on that day?

16 A No.

17 Q And what was your intent?

18 A We decided to do only a ceremony that would signify
19 a commitment.

20 Q And why did you do that?

21 A I think Tom -- Tom insisted and I think it's because
22 he felt insecure in the relationship and he needed something
23 to be secure in the relationship. I didn't care. I didn't
24 care if I was called forever, a girlfriend or fiancé. I

1 didn't need that.

2 Q Did you want to be married?

3 A No.

4 Q Did you have discussions with Tom about your desires
5 or lack thereof of -- of being married?

6 A Many conversations.

7 Q All right. Can you tell the Court about those
8 conversations, please? What --

9 MR. JONES: Objection, calls for a narrative. He
10 has to ask a specific question.

11 MR. GOLDSTEIN: Fine, we'll go through it.

12 BY MR. GOLDSTEIN:

13 Q When was the first conversation that you had with
14 Tom about being married? Do you recall? Rou -- I know it's
15 over 20 years ago, so let's --

16 A Uh-huh (affirmative).

17 Q -- to the best of your ability to recollect that
18 far.

19 A But this was a very important to me.

20 Q I understand.

21 A And we were going to -- his lease on his house
22 expired -- was expiring in September and we started dating
23 three months earlier and he was asking if we got -- we -- if
24 he can move in with me, considering how well the relationship

1 is going. So, in August, when we went for a walk, I asked him
2 if his intentions are marriage because that's not the way I'm
3 going to go. I will never, ever agree to a marriage ceremony.
4 And he agreed. He says, yes, that's what I want because I'm -
5 - I've been married twice and I don't want to get married
6 again. I was beside myself with happiness.

7 Q Okay. But you did go through a ceremony of some
8 kind, right?

9 A Yes.

10 Q Okay. And so let's talk about that. How did that
11 come about? How did the idea of -- of having this ceremony
12 come about?

13 A He started whining within a month, that -- and after
14 we visited my parents, that he doesn't want to be called
15 boyfriend, he wants to be called a husband. And I said
16 remember, we discussed this? I don't want to go -- I don't
17 want to get married ever again. I said you agreed to it.
18 Yes, but isn't there another way? I'm like, okay, come up
19 with another way, but I am not getting married. And I don't
20 remember the exact moment or situation, whatever, it came up.
21 Somehow, we came up with a commitment ceremony and how we are
22 going to do it.

23 And considering that I never wanted to get married
24 and I did not want to have a commitment ceremony in this

1 country, which rules and regulations, I don't know in detail,
2 and I know 100-percent that a church ceremony in my old
3 country is not legal, I agreed to a commitment ceremony in a
4 Catholic church in my country.

5 Q And so from the beginning, was it your intent that
6 the ceremony that was conducted in 2002, on April 7th, was it
7 ever your intent that that ceremony be your marriage to Tom?

8 A No.

9 Q Whose idea was it to have it out there, yours or
10 Tom?

11 A I think my mother came up with it.

12 Q Oh, okay. Your mom, all right. I -- I'm sorry.
13 Your mother had passed. I -- I don't want to de -- okay. So
14 would you -- would you have ever gone -- would you have gone
15 through this ceremony if you had believed that it was a valid
16 and binding marriage?

17 A No.

18 Q Did Tom make any assurances to you about this
19 ceremony?

20 A Yes.

21 Q All right, and what did he say?

22 A He understood this is not a legal marriage and he
23 will be more than happy to go through it and -- but he
24 understood this is a commitment only. The -- the priest,

1 during -- before the ceremony, asked me three --

2 MR. JONES: Objection, --

3 THE DEFENDANT: -- times --

4 MR. JONES: -- hearsay.

5 THE DEFENDANT: -- to translating --

6 THE COURT: Sustained.

7 BY MR. GOLDSTEIN:

8 Q Don't -- don't -- don't tell the -- don't tell the
9 Court what the priest said, okay?

10 A Got it.

11 Q But I just want to ask you about what Tom -- that --
12 the representations that Tom made to you in regards to this
13 ceremony. Did --

14 A He understood, very clearly that this is not a legal
15 ceremony and this is not going to be a legal marriage. We are
16 just creating an -- a ceremony of a commitment to each other.

17 Q All right. Now, it is true though, however, that
18 you guys did hold yourselves out to third parties as married
19 people. Is that right?

20 A Yes.

21 Q All right. Can you explain to the Court, why you
22 did so?

23 A It was Tom's insistence. He wants to be -- he
24 wanted to be a husband. If you ask me if I ever responded to

1 Mrs. Pickens, no.

2 Q Okay. Did you -- do you know how Tom filed his
3 taxes, whether he filed those --

4 MR. JONES: Objection, --

5 MR. GOLDSTEIN: -- married person --

6 MR. JONES: -- Your Honor, this is cumulative.

7 THE COURT: It is.

8 MR. JONES: We went over it with the CPA, --

9 MR. GOLDSTEIN: I'm sorry.

10 MR. JONES: -- we went --

11 MR. GOLDSTEIN: All right.

12 MR. JONES: -- over it with Tom.

13 THE COURT: We already --

14 MR. GOLDSTEIN: It's no problem.

15 THE COURT: -- know that.

16 MR. GOLDSTEIN: All right.

17 BY MR. GOLDSTEIN:

18 Q How about your taxes? Did we go over that?

19 MR. JONES: We went over that with the CPA.

20 THE COURT: Same thing.

21 MR. GOLDSTEIN: All right, --

22 MR. JONES: We went over --

23 MR. GOLDSTEIN: -- we got it.

24 MR. JONES: -- that with Tom.

1 MR. GOLDSTEIN: No problem.

2 BY MR. GOLDSTEIN:

3 Q Did -- were you present during any conversations
4 with Tom and -- and the CPA, Mr. Simonian, wher Tom discussed
5 his marital status?

6 A Yes.

7 Q Okay. And when do you recall the first conversation
8 was about that?

9 A I think we hired Bob in 2002 or 2003.

10 Q All right. And did you go -- did you -- and then
11 did you meet with Tom and Bob each year to go over taxes?

12 A Yes.

13 Q And was there discussion each year about Tom's
14 marital status?

15 A Ever year.

16 Q And what --

17 A The answer is yes.

18 Q And what did --

19 A Every --

20 Q -- Tom say?

21 A -- year.

22 Q And what did Tom say every year?

23 A Every year, we're going to file single, unmarried.

24 Q And did you hear Tom ever tell Bob Simonian that --

1 that your married was an emotional marriage and legal and
2 valid marriage?

3 MS. LOBELLO: It's legal.

4 THE DEFENDANT: I was not present at -- during that
5 conversation.

6 BY MR. GOLDSTEIN:

7 Q All right. Okay.

8 (whispered conversation)

9 Q Did you ever talk to -- did he ha -- did the issue
10 of gift taxes, as a result of the transfers of these assets
11 come up?

12 A I --

13 Q Were you a part of any conversations where the issue
14 of gift taxes came up, as a result of the transfer of the
15 assets on September 13th? Were you a part of any
16 conversations?

17 A The only conversation we had was during his
18 deposition.

19 Q All right. Was that the first time you learned --

20 A Yes.

21 Q -- of -- okay. Your -- your assets, other than --
22 other than the joint account and then you know, the -- the
23 transfers of the properties in question, did you guys -- you
24 and Tom pool your assets, other than those?

1 A No. I had my own money and he had his own money.

2 Q All right.

3 (Pause - whispered conversation)

4 MR. GOLDSTEIN: If I can -- if I can just have five
5 minutes, Judge, to see if there's anything else I -- I need
6 clean up? I may only have --

7 THE COURT: Sure.

8 MR. GOLDSTEIN: -- a few more questions. Thank you,
9 Your Honor. I'll just take a five-minute break.

10 THE COURT: We'll go off the record.

11 (Off record)

12 THE COURT: Okay, very good. Back on the record.

13 MR. GOLDSTEIN: Thank you.

14 BY MR. GOLDSTEIN:

15 Q Dr. Michaels, would you have ever en -- ever entered
16 into that commitment ceremony if you knew that Tom would later
17 claim that you were actually, in fact, legally married?

18 A Absolutely not.

19 Q All right. And just to follow up a little bit about
20 how the Queen Charlotte property came to be titled in your and
21 Tom's name, as husband and wife as joint tenants, okay? Can
22 you explain to the Court how, to the best of your
23 recollection, that happened?

24 A So, when you go and buy a house, you put a -- an

1 offer on it and then you go and haggle over the loan.

2 Q Let's -- let's not talk about hypotheticals. Let's
3 tell the judge about exactly what happened in your case, okay?

4 A And I repeat everywhere, we are not legally married.
5 And people say what do you want the title being? Two single
6 individuals. Then when all the paperwork is done at the title
7 company, I have 30 minutes, he picks me up at the hospital,
8 drives me there, the girl gives me pages to sign, I sign, and
9 I go back. And I didn't no -- notice that it says husband and
10 wife off until Shannon Evans pointed it out.

11 Q When was that?

12 A When I was doing my trust. So she said it should be
13 redone and she will send the paper over --

14 MR. JONES: Objection, hearsay, move --

15 THE DEFENDANT: -- to the house.

16 MR. JONES: -- to strike everything --

17 THE COURT: Sustained.

18 MR. JONES: -- that Shannon Evans --

19 THE COURT: Stricken.

20 MR. JONES: -- said.

21 BY MR. GOLDSTEIN:

22 Q You just can't -- remember, you can't say what
23 Shannon said, okay?

24 A Okay.

1 Q So, just -- I just want to back up and talk about
2 the signing of the documents for Queen Charlotte at the title
3 company, okay? Can you just explain to the Court, step-by-
4 step, what happened that day? Where were you that day? Were
5 you working?

6 A Yes.

7 Q All right. And approximately -- you mentioned that
8 Tom picked you up. Approximately, what time did that happen?

9 A I time these things for my lunch breaks. That's the
10 only time I can sacrifice. So I text him or call him,
11 whatever, I am ready to pick me up (sic.) He picks me up and
12 we go to title company, sign paperwork. You know how they
13 have it, sign here, sign here, sign here? You sign a hundred
14 pieces of paper and I'm -- and then you go back to work.

15 Q And so, di -- when -- when you were signing those
16 documents at the time, how did you believe it was held? How -
17 - how -- what did you believe --

18 MR. JONES: Objection, --

19 MR. GOLDSTEIN: -- the documents said?

20 MR. JONES: -- Your Honor, the document is
21 controlling. What she believed it is -- so -- so she's saying
22 that her belief is different than what she read when she
23 signed it?

24 MR. GOLDSTEIN: She didn't read it. What -- she --

1 THE COURT: She's saying --

2 MR. GOLDSTEIN: There's not re --

3 THE COURT: -- she didn't read it.

4 MR. GOLDSTEIN: -- evidence in the record that she
5 read it. That's the whole point.

6 THE COURT: Ask your question, please.

7 BY MR. GOLDSTEIN:

8 Q Do you recall reading -- in the stack of documents
9 that you said was in -- wha -- how -- how big was it? How
10 many pages?

11 A I don't know, a thousand?

12 Q Okay. Well, I don't know if it was that big, but --
13 but let's say --

14 A You know how much -- it's a s --

15 THE COURT: I can understand --

16 THE DEFENDANT: It's a s --

17 THE COURT: -- how you feel that way.

18 THE DEFENDANT: It -- it -- you feel --

19 BY MR. GOLDSTEIN:

20 Q All right.

21 A -- it's a thousand --

22 Q All right.

23 A -- pages.

24 Q And so when --

1 A And they --
2 Q -- you were --
3 A -- flip it --
4 Q -- there, --
5 A They flip --
6 Q When you --
7 A -- it, sign here.
8 Q -- were at the title company, --
9 A Flip it.
10 Q Sorry. When you were at the title company, did you
11 read each and every page of the stack of title documents,
12 deed, loan documents, and whatever other documents were
13 presented to you at that time?
14 A Home security and blah, blah? No, of course not.
15 Nobody does it.
16 Q All right. And so when you were there, did you just
17 -- was it tabbed where you need to sign?
18 A Yes.
19 Q And you just signed it and moved on?
20 A Yes.
21 Q And you were there for how -- about how long?
22 A 15 minutes.
23 Q All right. And then -- and then what happened? You
24 left and went back to work?

1 A Yeah.

2 Q All right. And who -- who was -- who was
3 communicating with the title company for --

4 A Tom was.

5 Q -- the purchase? And how about -- and -- and was it
6 a similar or the same process with the Lowe property as well?

7 A Yes.

8 Q All right, thank you.

9 MR. GOLDSTEIN: All right, I pass the witness, Your
10 Honor.

11 MR. JONES: Your Honor, since it's probably going to
12 take us 30 minutes to pack up because we can't leave this
13 here, out all week --

14 THE COURT: No, we can't.

15 MR. JONES: -- and I also believe that at least one
16 member of your staff has expressed a desire to possibly leave
17 sooner, rather than later to go to the hockey game, --

18 MR. GOLDSTEIN: Who's the lucky -- sorry.

19 MR. JONES: We're not going to -- we won't disclose.

20 MR. GOLDSTEIN: Who gets to go to the hockey game?

21 MR. JONES: But I know we've got to be out of here
22 at 5:00. I just assume start --

23 THE COURT: We do --

24 MR. JONES: -- again --

1 THE COURT: -- have to be out at 5:00.

2 MR. JONES: -- next week fresh. Because then he's -
3 - he's not going to want my cross to be sitting on your ears
4 without doing redirect, would be my guess. That -- that would
5 be -- that would be my response. Maybe --

6 MR. GOLDSTEIN: Of course, I do.

7 MR. JONES: -- he disagrees.

8 (whispered conversation)

9 THE COURT: Okay, let's -- let's talk about. You
10 can step down.

11 THE DEFENDANT: Thank you.

12 THE COURT: We'll -- we'll start up on another day
13 with your cross.

14 MR. JONES: Sure.

15 THE COURT: I know we're blowing 40 minutes, but --

16 MR. JONES: I'd prefer to go, but --

17 THE COURT: This sounds --

18 MR. JONES: -- that's okay.

19 THE COURT: -- can you give me a guesstimate of how
20 much more -- how many wit -- other witnesses you have or --

21 MR. GOLDSTEIN: Well, the -- the answer is, at this
22 point, I believe I will only be calling the Plaintiff. I'm
23 not -- I don't believe, or at least have an -- I don't have
24 the intent today to call another witness, other than the

1 Plaintiff. I anticipate my examination of -- of the Plaintiff
2 will be less than one day in time. I'm hoping that -- you
3 know, I don't know if it'll be done by the lunch hour because
4 it's usually you know, two-and-a-half hours, only. But --

5 THE COURT: So, it sounds like you guys --

6 MR. GOLDSTEIN: -- you know --

7 THE COURT: -- need two days.

8 MR. GOLDSTEIN: So, I would think that --

9 MR. JONES: Well, we have next Friday, --

10 MR. GOLDSTEIN: All --

11 MR. JONES: -- right?

12 MR. GOLDSTEIN: We have all next Friday already.

13 So, I -- I don't know how long John intends to go on my client
14 with his cross. But let's say --

15 THE COURT: Probably, just --

16 MR. GOLDSTEIN: -- he's got an hour.

17 THE COURT: -- a minute or two.

18 MR. JONES: I -- well, assume it will be roughly, an
19 hour.

20 MR. GOLDSTEIN: All right. And so then may --

21 MR. JONES: Because there are some documents we have
22 to go through, unfortunately.

23 MR. GOLDSTEIN: And then let's say I have, I don't
24 know, 15 minutes of redirect, maybe. You know, I -- I mean, I

1 can't imagine it's a ton. So -- so if that's an hour-and-a-
2 half of the morning section, I would hope that I could
3 complete the Plaintiff that same day. And then it -- the
4 question would be you know, how much Mr. Jones has to -- to
5 redirect his client.

6 THE COURT: So you're going to need Friday plus one
7 more day?

8 MR. JONES: Probably, one more day.

9 MR. GOLDSTEIN: I would just take it to have it. I
10 might as well. And then -- and then the question, I guess,
11 Judge, would become -- I know there was some discussion about
12 closing arguments being written at the time. And obviously,
13 that was a year ago and -- and the like. But -- but I'm
14 thinking, if we have one more full day, it may -- for example,
15 if we can get the testimony finished in the morning of that
16 day, we can come back in the afternoon and do oral -- oral
17 closings for you.

18 And the reason I say that is, with the complicated
19 issues that -- that are here, certainly, I think tying all of
20 this together, especially in light of the Court's comments
21 made earlier, that you know, I'm not sure what this trial is
22 about either. But I just think that it would be a good idea
23 to have each side maybe, have an hour, if that to just sum
24 everything up for you so that when you do go back and -- and

1 deliberate on this. Because certainly, I understand this is
2 not a case you're going to be ruling from the bench on -- that
3 might help the Court that way. I think John agrees with me on
4 that as well.

5 MR. JONES: Well, I thought we had already agreed we
6 were doing written closings because you actually said you
7 preferred it. And I think Ms. Abrams already said that we
8 were to.

9 MR. GOLDSTEIN: I'm sorry.

10 MR. JONES: You know I never shy away from hearing
11 my own voice. I just think --

12 THE COURT: Right.

13 MR. JONES: -- because of the issues, --

14 THE COURT: I think it would be --

15 MR. JONES: -- oral argument is not going to be as -
16 -

17 THE COURT: -- be better for everybody with
18 everything. And when I said I didn't know what the trial was
19 about, I've got smatterings of the status of the marriage, --

20 MR. GOLDSTEIN: Yes.

21 THE COURT: -- slash whatever the relationship is.
22 I have smatterings of some properties and some really --
23 values of things. But I don't have, I don't think -- and
24 that's why I'm curious -- I don't know that I have everything

1 and -- or if you've presented it --

2 MR. GOLDSTEIN: Well --

3 THE COURT: -- because it's in these exhibits, which
4 I have not read a single page of. That you could point me to
5 the pages in which I need to glean the information from that
6 you're trying to give me. So I do --

7 MR. GOLDSTEIN: I think it'll be --

8 THE COURT: -- want them in writing.

9 THE COURT: That's fine. I -- I guess -- I guess,
10 my point would just be this. I think it would help the Court
11 to understand the framework of what we've been discussing in a
12 manner of, let me talk to you about this case, Judge. Not as
13 a substitute. We're happy to do a closing brief as well. But
14 maybe just an opportunity to tell you, Judge, this is why we
15 think it's -- it is, and so. The reason being too, is --

16 MS. LOBELLO: It's so unfair.

17 MR. GOLDSTEIN: -- do you want a --

18 MS. LOBELLO: That's not right.

19 MR. GOLDSTEIN: -- 200-page closing brief? These
20 issues are complicated. You have all of these binders and
21 documents. To go and reference and say and talk and say, and
22 see Exhibits 62 and 60 -- 65, 67, and se -- 70, and here's you
23 know, the -- the -- his summary of the 32 charges and this is
24 why we think it's wrong and reference. I mean, that's going

1 to just, eat up page after page after page.

2 THE COURT: When --

3 MR. GOLDSTEIN: But we could --

4 THE COURT: -- instead, --

5 MR. GOLDSTEIN: -- explain it --

6 THE COURT: -- I could spend a month or two reading
7 all of these documents to see if I can figure it out.

8 MR. GOLDSTEIN: Well, I -- I'm just saying --

9 MR. JONES: No, --

10 MR. GOLDSTEIN: -- that I think that --

11 MR. JONES: And how I've done it before, Judge, is
12 through --

13 MR. GOLDSTEIN: I think that an hour of us
14 explaining to you, our cases, --

15 THE COURT: I -- I have --

16 MR. GOLDSTEIN: -- may help.

17 THE COURT: -- a compromise. I think you need --

18 MR. GOLDSTEIN: So --

19 THE COURT: -- to do a closing argument in writing
20 and we can come back and argue it before you present them to
21 me.

22 MR. JONES: Okay.

23 THE COURT: I -- I want you to cover everything. I
24 don't want you to walk out and say oh, I forgot about --

1 MR. JONES: Well, --

2 THE COURT: -- this --

3 MR. JONES: -- how I intend to do it is reference
4 the exhibits and give you just the exhibits that is referenced
5 in the brief, so that you have it much easier than going
6 through 19 binders.

7 THE COURT: Right.

8 MR. JONES: So that's how I usually do my closing
9 argument briefs.

10 THE COURT: I want your closing in -- in writing.

11 MR. GOLDSTEIN: Here -- here --

12 THE COURT: So --

13 MR. GOLDSTEIN: Here -- and that's fine. Here's my
14 thought, Judge, is that we would take -- again, let's say --
15 let's assume we take another day and we have this and we
16 finish in the morning and -- and we have an hour each, Mr.
17 Jones and I, to sum up our cases. We explain that to you
18 orally, and then we submit our briefs to you after you heard
19 everything and here's our brief. Now you take that all back
20 and you've got all the evidence and everything with our briefs
21 and now you can go make your decision.

22 THE COURT: Well, --

23 MR. GOLDSTEIN: I think --

24 MR. JONES: I --

1 MR. GOLDSTEIN: -- that's probably a --

2 MR. JONES: I'm going to suggest to you --

3 MR. GOLDSTEIN: -- good idea.

4 MR. JONES: Here's my only concern about the oral
5 argument issue as well, Your Honor. It's simply --
6 particularly, given the 180-degrees difference from testimony
7 on day one and day three, you're going to end up getting a lot
8 of objections during closing arguments, which I know you hate.

9 MR. GOLDSTEIN: No, you aren't.

10 THE COURT: Well, --

11 MR. GOLDSTEIN: Not from me.

12 THE COURT: No --

13 MR. JONES: Well, when you stand up and you say she
14 testified --

15 THE COURT: Yeah. Right.

16 MR. JONES: For example, I wa -- I wasn't treating
17 him, when day one, she said I treated him for this window, I'm
18 going to object because --

19 MR. GOLDSTEIN: No, --

20 MR. JONES: -- that's not --

21 MR. GOLDSTEIN: -- it's -- no, you can't object
22 because it's in the testimony, --

23 MR. JONES: The judge can rule --

24 MR. GOLDSTEIN: -- but --

1 MR. JONES: -- on it.

2 MR. GOLDSTEIN: -- what you can say is you -- her
3 credibility is bad or not or whatever, but that's not an
4 objectable thing, John. You know that.

5 THE COURT: Okay, --

6 MR. GOLDSTEIN: You --

7 THE COURT: -- I'm going --

8 MR. GOLDSTEIN: You know better.

9 THE COURT: -- to make this re --

10 MR. JONES: If you're mis-stating evidence, it is.

11 THE COURT: -- really easy. For right now, we have
12 the 12th and we need one more day. Let's figure that out
13 first.

14 MR. GOLDSTEIN: All right. And I also like it
15 because if the Court has question, you can ask us.

16 THE COURT: I prefer doing things on the record. I
17 prefer giving my decision on the record.

18 MR. GOLDSTEIN: Oh, no, no, I'm talking about on --

19 THE COURT: I don't --

20 MR. GOLDSTEIN: -- the record.

21 THE COURT: -- have any problem with any of that and
22 I love to be able to ask questions to say well, you know, this
23 is what you said and this my ruling. I love doing it, but
24 you're right, this is very, very complicated with some legal

1 questions --

2 MR. GOLDSTEIN: For sure.

3 THE COURT: -- that you may want to put into your
4 brief to show that you have --

5 MR. GOLDSTEIN: Agreed.

6 THE COURT: -- satisfied the tests that you think
7 you need to satisfy to show relationship or no relationship.

8 MR. GOLDSTEIN: 100-percent.

9 THE COURT: Depending upon your definition of it.

10 So, --

11 MR. GOLDSTEIN: And I do not want to --

12 THE COURT: -- on the 12th --

13 MR. GOLDSTEIN: -- suggest mis --

14 THE COURT: All right.

15 MR. GOLDSTEIN: Go ahead. 12th? Go ahead.

16 THE COURT: I have available, the 19th of March, the
17 2nd --

18 MR. GOLDSTEIN: Yes?

19 THE COURT: -- of April.

20 MR. GOLDSTEIN: Jennifer, chime in with your
21 schedule too. I -- I -- I'm -- I believe I'm available on the
22 2nd, Judge.

23 MS. LOBELLO: Not March 19th?

24 MR. GOLDSTEIN: Yes, I'm fine, but do we want two

1 weeks to prepare these briefs or -- or arguments or no? Oh, I
2 mean -- oh, this is for the next day of trial.

3 MR. JONES: Right.

4 MR. GOLDSTEIN: Sorry, sorry, sorry.

5 THE COURT: You have --

6 MR. GOLDSTEIN: No, no, I'm fi --

7 THE COURT: -- the 12th for the next day and you
8 want one more day to argue and then we'll have a day that
9 we'll set up for briefs to be due and I'll make a decision on
10 if I want any oral argument or not. It could be your briefs
11 are due first and I'll bring you guys in to make an oral
12 statement and I can ask questions about anything unclear in
13 the brief.

14 MS. ABRAMS: I can make April 2nd work. I've got a
15 deposition scheduled, but I can ask to move it.

16 MR. JONES: How about --

17 THE COURT: On which --

18 MR. JONES: -- April 19th?

19 THE COURT: -- day?

20 MS. LOBELLO: March.

21 MR. JONES: I mean, March 19?

22 THE COURT: Which --

23 MS. ABRAMS: It -- I am marked off for that day as
24 not being available.

1 MR. JONES: Marked off like, you're taking a mental
2 health day or --

3 THE COURT: She's not available. We all have those
4 days. I've got a couple in here that I haven't shared with
5 you. I'm not going to share them now.

6 MR. GOLDSTEIN: We're all in the mood to share
7 today.

8 THE COURT: Yeah. I have the 19th. I have the 2nd
9 of March -- or, April, --

10 MR. JONES: 2nd of --

11 THE COURT: -- sorry.

12 MR. JONES: -- April.

13 MS. LOBELLO: Yeah, is April 2nd going to work for
14 us?

15 MR. JONES: It looks good for me. Good for the both
16 of us, actually.

17 MS. LOBELLO: Both? Okay, great. Okay, hold them
18 both, thank you.

19 MR. GOLDSTEIN: April 2, yes, is fine for me, so --

20 MS. LOBELLO: April 2 is good.

21 THE COURT: April 2 is good for everybody for the th
22 -- for the last day of testimony?

23 MS. LOBELLO: Yes.

24 MR. GOLDSTEIN: Yes.

1 THE COURT: Okay. And we will, at that time,
2 revisit when your briefs will be due and we'll ha -- we'll
3 have a closing argument day. So that way, I'll have some
4 understanding and you both will have your opportunities to
5 oppose the other person's brief, so that if there's anything
6 in the brief I need to look at. So briefs will be due on the
7 same day. Five days later, your oppositions to anything
8 they've said in their brief as inaccurate or whatever. And
9 then we'll have a day when we come in for the actual -- I may
10 render from the bench if I'm comfortable. If not, I'll just
11 take your oral argument and I'll -- I ha -- guess I have 30
12 days, by Supreme Court rule, to get something totally in. SO
13 --

14 MS. STOLZ: So, the briefs are due April 2nd?

15 THE COURT: No, you won't have all your testimony in
16 by then.

17 MS. STOLZ: Yeah, okay, that's what I thought.

18 MR. JONES: Well, I think we're going to get done,
19 testimony wise, next Friday.

20 MR. GOLDSTEIN: If we get done, testimony next
21 Friday, then --

22 THE COURT: Then we can --

23 MR. GOLDSTEIN: -- we'll take April 2nd.

24 THE COURT: Absolutely. If you guys can --

1 MS. STOLZ: Okay.

2 MR. JONES: Yeah, I think April 2nd will -- will --

3 THE COURT: If you can compress your testimony into
4 the 12th, April 2nd works for everything.

5 MR. GOLDSTEIN: See what we can do.

6 MR. JONES: All right.

7 MS. STOLZ: Okay.

8 THE COURT: That will make me happy. I know I'm not
9 that important, but I have like, four other trials I'm doing -
10 - leftover trials from a judge who's no longer a judge -- that
11 I had to start up from scratch.

12 MR. GOLDSTEIN: Hey, Eileen, are they doing any jury
13 trials in this courtroom?

14 THE CLERK: No.

15 MR. GOLDSTEIN: In the next week?

16 THE CLERK: No.

17 MR. GOLDSTEIN: So, can I just put our -- cleaning
18 the -- I'm -- we're going to take -- our runner's going to
19 come and get our exhi -- our exhibits books back to the
20 office. But for the witness copies, can I just put them back
21 here?

22 THE COURT: Can they put the witness copies of the
23 stuff back --

24 THE CLERK: It -- it's not my courtroom. I -- and I

1 don't -- Judge Barisich has been doing everything on video,
2 but I don't know when she's going to start having people come
3 in.

4 THE COURT: It's just next week, Eileen. Maybe we
5 could put it in one of the senior judge rooms, just to --

6 THE CLERK: I -- I have -- I have room in my office.

7 THE COURT: Okay.

8 THE CLERK: I -- I have plenty of room in there.

9 THE COURT: All right.

10 MS. LOBELLO: I'm going to have my runner here on
11 Monday morning at 8:00, to get all our stuff and bring it
12 back, if that's okay.

13 MR. JONES: Yeah, you're going to need to have them
14 bring --

15 MS. LOBELLO: Should they go to your office or
16 should we leave it here for Monday morning?

17 THE COURT: We don't know what time --

18 THE CLERK: If -- if the runner can be here at 8:00
19 --

20 MR. JONES: Yeah, he was here before that today, so.

21 THE CLERK: Because if they walk in and they see all
22 (indiscernible).

23 MR. JONES: No, no, we'll have him be here --

24 MS. LOBELLO: Right at --

1 MR. JONES: -- before 8:00.
2 THE CLERK: Okay.
3 THE COURT: We're doing a lot of courtroom sharing,
4 a lot of fun stuff and robbing from Peter to pay Paul around
5 here, as far as courtrooms are concerned.
6 (whispered conversation)
7 THE COURT: I believe we're done on the record,
8 everyone?
9 MR. GOLDSTEIN: Yes, Your Honor, thank you.
10 THE COURT: Off the record.
11 MS. LOBELLO: Sorry, yes, thank you.
12 MS. ABRAMS: Yes. Thank you, Your Honor.
13 MR. JONES: Thank you, Your Honor.

14 (PROCEEDINGS CONCLUDED AT 04:30:09)
15

16 * * * * *

17 ATTEST: I do hereby certify that I have truly and
18 correctly transcribed the digital proceedings in the
19 above-entitled case to the best of my ability.
20

21 /s/Shellie A. Callaway
22 Shellie A. Callaway
23
24

1 **TRANS**

FILED

OCT 28 2021

Thomas A. Pickens
CLERK OF COURT

COPY

5 **EIGHTH JUDICIAL DISTRICT COURT**

6 **FAMILY DIVISION**

7 **CLARK COUNTY, NEVADA**

9 THOMAS A. PICKENS,)

10 Plaintiff,)

11 vs.)

12 DANKA K. MICHAELS,)

13 Defendant.)

CASE NO. D-17-560737-D

DEPT. J

APPEAL NO. 82388

16 BEFORE THE HONORABLE DIANNE STEEL
17 DISTRICT COURT JUDGE

18 TRANSCRIPT RE: NON-JURY TRIAL (DAY 4)

20 FRIDAY, MARCH 12, 2021

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3 For the Plaintiff:

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DEFENDANT'S
WITNESSES:

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ADMITTED

DEFENDANT'S
EXHIBITS:

(None presented)

1 LAS VEGAS, NEVADA

FRIDAY, MARCH 12, 2021

2 PROCEEDINGS

3 (THE PROCEEDINGS BEGAN AT 09:09:08)

4

5 THE COURT: Well, good morning, everyone again.

6 MS. STOLZ: Good morning.

7 MR. GOLDSTEIN: Good morning, Your Honor.

8 THE COURT: We'll go ahead and -- we're on the
9 record?

10 THE CLERK: Yes.

11 THE COURT: Okay. We'll go ahead and just call the
12 case. This is the Pickens matter. This is case number
13 560737. Give your appearances and you can be seated.

14 MR. JONES: John Jones, Bar number 6699, and
15 Michelle Lobello, Bar number 5527, appearing on behalf of the
16 Plaintiff. One of our associates is going to be observing
17 today, Shannon Wilson. Her Bar number is 13988.

18 THE COURT: Okay.

19 MR. GOLDSTEIN: Good morning, Your Honor. Shawn
20 Goldstein. My Bar number is 9814, and I represent the
21 Defendant, Danka Michaels, who is also present. And Ms.
22 Abrams is present via conferencing again. And present with me
23 in the courtroom is her paralegal, Stephanie Stolz.

24 THE COURT: Thank you so much.

1 MR. GOLDSTEIN: Thank you.

2 THE COURT: All right. Any preliminary issues
3 before we restart?

4 MR. GOLDSTEIN: Just one, Judge. I -- did we nail
5 down the briefing schedule? I know we talked about it. I
6 know it was kind of, like, let's see what happens, but --

7 THE COURT: It was alwa -- that -- we left it there,
8 yes.

9 MR. GOLDSTEIN: Okay, so are -- are we just going to
10 nail that down maybe, at the end of today and see how it goes
11 or did we want to talk about that before we get started, to
12 set a deadline for briefing and how it's --

13 THE COURT: I think that we were going to see if we
14 could complete testimony today.

15 MR. GOLDSTEIN: Okay.

16 THE COURT: And if we could, then we were going to
17 use the next date we have reserved for finalizing.

18 MR. GOLDSTEIN: Oh, okay.

19 THE COURT: If you don't complete testimony today, -
20 -

21 MR. GOLDSTEIN: Sure.

22 THE COURT: -- my understanding is that we're going
23 to go forward and -- wait until the next time.

24 MR. GOLDSTEIN: Okay.

1 THE COURT: We'll -- so, we --
2 MR. JONES: We're --
3 THE COURT: -- can nail it --
4 MR. JONES: We're going to com --
5 THE COURT: -- down more at --
6 MR. JONES: We're --
7 THE COURT: -- the end of --
8 MR. JONES: We're going to --
9 THE COURT: -- the day.
10 MR. JONES: -- complete testimony before lunch,
11 Judge.
12 THE COURT: All -- you are. Both of --
13 MR. JONES: Right, but --
14 THE COURT: -- you?
15 MR. JONES: Unless he's got other witnesses.
16 THE COURT: Okay, let's --
17 MR. JONES: My -- my --
18 THE COURT: -- what's --
19 MR. JONES: -- cross is going to be 45 minutes.
20 MR. GOLDSTEIN: I have your client, John. I haven't
21 started --
22 MR. JONES: Yeah, our rebuttal case with our -- my
23 client's three pages long.
24 THE COURT: Okay.

1 MR. JONES: Yeah, but I --
2 THE COURT: You have --
3 MR. GOLDSTEIN: -- have to call --
4 THE COURT: -- a rebuttal?
5 MR. GOLDSTEIN: -- your client. That's --
6 MR. JONES: Oh.
7 THE COURT: Oh, --
8 MR. JONES: Okay.
9 THE COURT: -- okay.
10 MR. JONES: I mean, he was already crossed during --
11 MR. GOLDSTEIN: He wasn't.
12 MR. JONES: Okay.
13 MR. GOLDSTEIN: He wasn't crossed at all.
14 MR. JONES: Oh, not crossed at all.
15 MR. GOLDSTEIN: That's right.
16 MS. ABRAMS: Wasn't crossed at all.
17 THE COURT: That --
18 MR. GOLDSTEIN: There was no cross. There was zero
19 examination. So, yes --
20 THE COURT: Okay, there we go. Now we kind of know.
21 Maybe we won't be done today, maybe we will. We'll see.
22 MR. GOLDSTEIN: We'll see.
23 THE COURT: All right. I can't remember who was on
24 the stand.

1 MR. JONES: Defendant was on the stand --

2 THE COURT: Defendant --

3 MR. JONES: -- and I was --

4 THE COURT: -- on the stand?

5 MR. JONES: -- going to begin cross.

6 THE COURT: Let's go ahead and reswear her -- get
7 her up -- back on the stand and let's get her re-sworn in for
8 today.

9 (whispered conversation)

10 THE BAILIFF: Step up.

11 THE CLERK: Please raise your right hand.

12 (Oath administered)

13 THE DEFENDANT: I do.

14 DANKA MICHAELS

15 called as a witness on her own behalf, did testify as follows
16 on:

17 THE CLERK: Thank you.

18 THE COURT: Have a seat.

19 (Pause - whispered conversation)

20 CROSS EXAMINATION

21 BY MR. JONES:

22 Q Hand you what's been marked as occur -- what's in --
23 in evidence as Exhibit 74. I'm going to ask -- I -- I think
24 I've already opened it up to Bates number 55671.

1 (Pause)

2 Q Dr. Michaels, will you take a look at this exhibit?
3 Is this a -- the November of 2014 statement for your and Tom's
4 joint Wells Fargo checking account?

5 A It doesn't say so. It says December 31, 2014.

6 Q Okay, actually, I -- I -- then you're on the wrong
7 page. 5671.

8 A 5671. 567 --

9 Q Okay. Is that November of 2014 statement for the
10 Wells Fargo joint accounts?

11 A I have November 30, 2014. I don't know if it's a
12 joint account -- if it's a checking account. Oh, yes, it --
13 here -- well, it says overview PMA checking account, savings
14 and retirement, home mortgage -- underneath. Okay, I guess it
15 could be. It's -- doesn't say so clearly.

16 Q Okay, well, on that first page, does it say Thomas
17 A. Pickens, Danka K. Michaels, 9517 Queen Charlotte Drive?

18 A Correct.

19 Q Okay. Going to have you turn the page 5674, a few
20 pages later.

21 A Uh-huh (affirmative)?

22 Q This is the November 2014 statement for account
23 number 3065793436, Thomas A. Pickens, Danka K. Michaels. Do
24 you see that?

1 A Yes.

2 Q Okay. Now, you testified last week that you did --
3 you didn't receive any of the money from Tom's bonus. Do you
4 recall that?

5 A Yes.

6 Q Okay. Can you please take a look at that page at
7 date point 11/26? Actually, start at 11/21. Do you see those
8 deposits in a row from Blue Point Development?

9 A Yes.

10 Q Can you please tell the Court, the amounts of the --
11 of the deposits, --

12 THE COURT: The Court --

13 MR. JONES: -- starting at 11/21?

14 THE COURT: The Court can read them.

15 MR. JONES: Okay.

16 BY MR. JONES:

17 Q But you do see, at 11/26, a \$218,316 deposit, right?

18 A Yes.

19 Q Do you recall that November of 2014 is when Tom
20 received his bonus?

21 A Yes.

22 Q Okay. Now, if you could take a look at, in the same
23 exhibit -- actually --

24 (Pause - whispered conversation)

1 Q Same exhibit, but move to page 5682. This is the
2 December of 2014 statement.

3 A Uh-huh (affirmative), go -- I got it.

4 Q On December 2, there was a check, check number 1015,
5 in the amount of \$190,588, written out of the joint account.
6 Do you see that?

7 A Yes.

8 Q Do you recall what that was for?

9 A No.

10 (whispered conversation)

11 MR. GOLDSTEIN: Are you going to go back to 74,
12 John, or are you done with it?

13 MR. JONES: Probably not.

14 MR. GOLDSTEIN: Gotcha.

15 (Pause - whispered conversation)

16 MR. JONES: I apologize, Your Honor. These American
17 Express statements are staggeringly long.

18 (Pause - whispered conversation)

19 MR. JONES: Think I had the wrong exhibit, Your
20 Honor. I apologize for the delay.

21 THE COURT: If you didn't have so many in here --

22 MR. GOLDSTEIN: You said it, Judge, not me.

23 MR. JONES: Well, they are all in evidence, so --

24 THE COURT: I know.

1 (Pause)

2 BY MR. JONES:

3 Q Okay, looking to Exhibit 109 -- and looking at Bates
4 number 802.

5 THE COURT: Can you give me the Bate again?

6 MR. JONES: 802.

7 THE COURT: Okay.

8 (Pause - whispered conversation)

9 THE COURT: I'm there.

10 MR. JONES: Yes.

11 (whispered conversation)

12 BY MR. JONES:

13 Q Looking at Exhibit 802 -- or, I mean, Bates number
14 802 of Exhibit 109, do you recognize the American Express
15 account that this is a statement for?

16 A No.

17 Q It says Tom Pickens, Blue Point Development. Do you
18 recall having use of a credit card on that account?

19 A Well, I don't know the American Express card that
20 Blue Point Development had. I couldn't remember by now, six
21 years later, what the number of the ca -- American Express is
22 or was.

23 Q Okay, but do you recall having use of a credit card
24 on Tom's Blue Point Development American Express account?

1 A Yes.

2 Q And do you recall making charges on it throughout

3 2016?

4 A Yes.

5 (Pause - whispered conversation)

6 MR. GOLDSTEIN: Did you say 78, now?

7 MR. JONES: Yes.

8 BY MR. JONES:

9 Q Now you'll look at Exhibit 78. I'll suggest to you

10 that Exhibit 78 is the joint bank account statements for all

11 of 2016. Do you recognize this Wells Fargo account that we

12 talked about earlier --

13 THE COURT: Excuse me, --

14 MR. JONES: -- for --

15 THE COURT: -- what --

16 MR. JONES: -- 2014?

17 THE COURT: -- what exhibit now? I'm sorry, --

18 MR. JONES: I'm --

19 THE COURT: -- where are --

20 MR. JONES: -- sorry?

21 THE COURT: -- we? Exhibit?

22 MS. LOBELLO: Exhibit 78.

23 MR. JONES: 78.

24 THE COURT: 78?

1 THE DEFENDANT: I have 80 --
2 MS. LOBELLO: It should be --
3 THE DEFENDANT: -- fi --
4 MS. LOBELLO: -- in volume --
5 THE DEFENDANT: 85.
6 MS. LOBELLO: Volume 10.
7 THE COURT: 78?
8 MS. LOBELLO: Volume 10, Exhibit 78.
9 THE DEFENDANT: I have volume four.
10 THE COURT: I have volume four.
11 MS. LOBELLO: Oh, I'm sorry. Apologize.
12 THE COURT: And do we have a Bate on that?
13 MR. JONES: We're going to Bates -- starting at
14 5785.
15 THE COURT: Got it.
16 MR. JONES: Actually, 5788.
17 THE COURT: Thank you.
18 (whispered conversation)

19 BY MR. JONES:

20 Q All right. If you can take a look at 5788, in the
21 deposits column, the very first deposit is a deposit for Tom
22 Pickens from your medical practice. Is that right?

23 A Yes.

24 Q Followed by a deposit by Tom from Blue Point

1 Development. Is that right?

2 A Yes.

3 Q Followed by another deposit from Blue Point for Tom,
4 \$10,000. Is that --

5 A Uh-huh (affirmative).

6 Q -- right?

7 A Yes.

8 Q And then a deposit from your medical practice to Tom
9 and another deposit from Blue Point in -- later in the month.
10 Do you see those?

11 A Yes.

12 Q Now, this is the account that Tom paid your monthly
13 mortgage payments and other expenses for the house out of,
14 right?

15 A Possibly. That's what's supposed to happen.

16 Q Okay, look at the bottom of the page. That same
17 5788. Bill pay America S Service Online, \$4,200 -- and, I
18 think \$66.89. Do you see you that?

19 A Yes, that's what happened that time.

20 Q Okay. That would be the mortgage on Queen
21 Charlotte, right?

22 A Correct.

23 Q Okay. We'll move to Bates 5797. This would be the
24 February 2016 statement for the account. Do you see that?

1 A Yes.

2 Q All right. In the deposits column, you have Tom's
3 pay from your medical practice and from Blue Point. Do you
4 see those?

5 A Yes.

6 Q And on 02/16, there is a payment for the mortgage
7 payment again on Queen Charlotte, right?

8 A There is a mortgage, \$736. That makes no sense.

9 Q Well, the 1 -- go --

10 THE COURT: The next one down.

11 BY MR. JONES:

12 Q The next one down. So, another withdrawal from bill
13 pay for \$4,266. Do you see that?

14 A I see, that's mortgage.

15 Q And that would be for Queen Charlotte as well,
16 right?

17 A I assume so. I don't -- bill pay America S
18 Servicing Online. It doesn't say it's a mortgage for the
19 Queen Charlotte. I -- it -- the amount sounds correct.

20 Q Okay. The one that you mentioned before that, the
21 \$736.11, that was the mortgage on the Lowe property, right?

22 A In 2016, no, that was already paid off.

23 Q Go ahead and move to Bates 5807.

24 A 58 --

1 Q In the deposits column, you've got again, the
2 deposits from Blue Point to Tom and from your medical practice
3 to Tom, right?

4 A This is March 2016. Okay.

5 Q You see those?

6 A Yeah. And my deposit.

7 Q Okay, moving ahead to Bates 5817. You see the
8 deposits from your practice and from Blue Point into this
9 account, right?

10 A Yes.

11 Q And then the mortgage payment reflected on April 5,
12 is now \$300 -- or \$3,738.11. Do you see that?

13 A No. Oh, here it is. Transfer --

14 Q On April 5th?

15 A -- mortgage, \$3,736. Are you sure this -- it says
16 mortgage. Why is it such a different --

17 Q But you see the mortgage payment in there, right?

18 A It makes no sense, though.

19 Q Okay. But the -- you -- you recognize that the
20 mortgage payment was made from that account?

21 A Yeah, but tha -- it doesn't say which property --
22 and it's not the same amount as it was the month before.

23 Q Did Tom ever make payments on mortgages that were
24 either -- that exceeded the amount of the monthly payment or

1 were additional payments on principle?

2 A No. No, I don't know. N -- I don't think.

3 Q Well, but you re -- recognize that the Lowe house
4 was paid off in a matter of five or six years, right?

5 A I -- I'm not sure right now.

6 (whispered conversation)

7 Q Have you turn ahead to 5857. This would be the
8 September statement for that joint account. Is that right?

9 A Yes.

10 Q Okay. And in the deposits column, you have -- now
11 you have deposit (sic) for Tom from your medical practice and
12 you have a deposit from you from your medical practice. Do
13 you see those first two deposits?

14 A Okay, yeah, I have 1,000 -- yes. Yes.

15 Q Okay, and you also ha -- and that deposit for you
16 occurs on September 16th. Is that right, \$2,000?

17 A Yes.

18 Q And then again on September 30th. You see that?

19 A Yes.

20 Q And Tom was also depositing his pay from Blue Point
21 and from your medical practice throughout that month. Is that
22 right?

23 A Yes.

24 Q Now, turning to Bates number 5863. Looking in the

1 deposits column again, you have the deposit from Blue Point,
2 you have the deposits for you from the medical practice, and
3 then there's another deposit on October 7th in the amount of
4 \$22,235. Do you see that?

5 A Deposit -- electronic deposit, October the 7th.

6 Q It's October 7th.

7 A Yes.

8 (whispered conversation)

9 Q Do you know what the source of those funds were?

10 A No.

11 Q But you acknowledge that, at least according to this
12 statement, they were deposited into the joint account, right?

13 A Well, it's right here, so --

14 Q And then turning to Bates number 5876. You have a -
15 - in the deposit column, you have Tom's checks continuing to
16 be deposited from Blue Point into the joint account. Do you
17 see that?

18 A Yes.

19 Q Now, Friday of last week, you testified -- and you
20 can go ahead and -- I -- I'll move -- move the books for now.
21 Last Friday, you testified that had you known Tom was going to
22 make a claim for Patients One and Queen Charlotte, that you
23 would have never refinanced them. Do you recall that
24 testimony?

1 A I don't remember it that way.

2 Q Well, do you recall your attorney asking you if
3 you'd changed your position regarding Queen Charlotte at any
4 time, and then he went --

5 A Oh, I see.

6 Q -- into the discussion of the refinance? Do you
7 recall that?

8 A Yes.

9 Q And in fact, you have refinanced Queen Charlotte,
10 right?

11 A Yes.

12 Q But you didn't do it until February of 2018, right?

13 A Yes.

14 Q You had already been served with Tom's complaint
15 asking for half of clean (sic) -- Queen Charlotte in November
16 of '17, right?

17 A Yes.

18 Q And in fact, you still have not refinanced the
19 Patient One building, right? It still has the same mortgage
20 it had from 2014.

21 A No, that's refinanced.

22 MR. JONES: At this point, I guess, Judge, you can
23 take judicial notice of the recorder's page, as far as all of
24 the documents filed associated with the APN number for the

1 building located at 3220 -- is it 3220?

2 MS. LOBELLO: 3320.

3 MR. JONES: 3320 Buffalo. It has APN number 138-10-
4 401-001. The last recorded document, according to recorder's
5 office, was from 2014.

6 THE COURT: Okay.

7 BY MR. JONES:

8 Q Did you produce any do -- I'll -- I'll ask this
9 question. Did you produce any documents related to a
10 refinance of the Patients One building?

11 A Yes.

12 Q Any idea where, in all of these books, they might be
13 found?

14 A You requested it, we gave it to you.

15 Q I know, but do you have any idea where they might be
16 found?

17 A This is not my system, I don't know where you have
18 it.

19 Q Do you know why the Clark County recorder's office
20 doesn't show any documents recording -- recorded, regarding
21 Patients One building since 2014?

22 MR. GOLDSTEIN: Objection, calls for speculation.
23 She's not an employee of the --

24 MR. JONES: Do you --

1 MR. GOLDSTEIN: -- recorder's --
2 MR. JONES: -- have any --
3 MR. GOLDSTEIN: -- office.
4 MR. JONES: -- reason --
5 THE COURT: Sustained.
6 MR. JONES: -- to know why?
7 MR. GOLDSTEIN: Same objection, Your Honor.
8 THE DEFENDANT: That's --
9 MR. JONES: You don't?
10 THE DEFENDANT: That's up to the bank to take care
11 of it.
12 MR. GOLDSTEIN: Wait, I --
13 THE COURT: It's all right. I understand.
14 BY MR. JONES:
15 Q Do you recall when you claimed to have refinanced
16 the Patients One building?
17 A Yes.
18 Q When?
19 A In December 2016.
20 Q Do you know who your bank is?
21 A Uh-huh (affirmative), yes.
22 Q Who -- who's the bank?
23 A Ban -- Wells Fargo.
24 Q Now, the original mortgage on the Patients One

1 building was with Bank of America, correct?

2 A Yes.

3 Q And then it was refinanced to Wells Fargo in 2014.

4 Do you recall that?

5 A Yes.

6 Q So you're saying you refinanced it again with Wells
7 Fargo in 2016?

8 A We refinanced it to take Tom off the mortgage, but
9 it took four years, I think. Three or four years.

10 (whispered conversation)

11 Q So, when did the refinance actually go through,
12 then, if you started in 2016, and it took four years?

13 A Yes.

14 Q Did it just go through this past year?

15 A I think it happened in 2019. It's finalized in
16 2019.

17 Q But that would have been after you had been served
18 with the complaint, right?

19 A Yes.

20 Q Now, you testified that Tom had bullied you to get
21 the Lowe house into joint names. Do you recall that
22 testimony?

23 A Yes.

24 Q You believe that was the wrong thing for him to do,

1 right?

2 A I don't understand why he was against it and then he
3 wanted --

4 MR. JONES: Objection, --

5 THE DEFENDANT: -- to be --

6 MR. JONES: -- move to --

7 THE DEFENDANT: -- on it.

8 MR. JONES: -- strike, non-responsive.

9 THE COURT: Answer the question he asks. You
10 attorney will ask you further questions. Go ahead --

11 THE DEFENDANT: Yes, it was wrong.

12 THE COURT: -- ask --

13 BY MR. JONES:

14 Q It was wrong for him to bully you into that
15 transaction, right?

16 A Correct.

17 Q Now, with regard to the construction loan for the
18 improvements on Patients One, the \$450,000 loan, do you recall
19 that discussion last Friday?

20 A Yes.

21 Q Now, you know that construction loans are never paid
22 to the borrower, right?

23 MR. GOLDSTEIN: Objection, calls for speculation,
24 lack of personal --

1 MR. JONES: I'm asking --

2 MR. GOLDSTEIN: -- knowledge and --

3 MR. JONES: -- about her knowledge.

4 MR. GOLDSTEIN: -- and foundation.

5 BY MR. JONES:

6 Q How many construction loans have you entered into
7 with regard to Patients One?

8 A That's the only one.

9 Q From your own personal knowledge, do you understand
10 how construction loans work?

11 A You borrow money and somebody is in charge of the
12 dispensing of the money to the construction company.

13 Q Right. The money goes from the bank, directly to
14 the contractors, right?

15 A It should.

16 Q So, you understand that neither you or Tom ever
17 received any of that \$450,000, right?

18 A I didn't.

19 Q Well, was Tom a contractor who was submitting
20 invoices to Bank of America for payment?

21 A I think so.

22 Q But you don't know?

23 A I was never part of it. It -- it was all in his
24 hands.

1 MR. JONES: Going to be at Exhibit 50 and 51, Your
2 Honor.

3 THE COURT: Thank you.

4 BY MR. JONES:

5 Q Do you see Exhibit 50, there before you, ma'am?

6 A Yes.

7 Q Okay. I'll represent to you that this is already in
8 evidence. It's the 2015 Patients One, LLC partnership tax
9 return, form number 1065. Do you see that?

10 A I --

11 THE COURT: You need to turn the page.

12 THE DEFENDANT: Oh, thank you.

13 MS. ABRAMS: I'm sorry, --

14 THE COURT: She can't --

15 MS. ABRAMS: -- which exhibit is --

16 THE COURT: -- see anything on --

17 MS. ABRAMS: -- that?

18 THE COURT: She can't see anything on -- on 1512, so
19 you're looking at 1513?

20 MR. GOLDSTEIN: 50, Jennifer.

21 MR. JONES: Yeah, it's Bates number 1513, is the --

22 THE COURT: Got it.

23 MR. JONES: -- start of the actual return.

24 THE COURT: She was on 12.

1 MR. JONES: My fault.
2 BY MR. JONES:
3 Q Okay, do you see the return now?
4 A Yes, I do.
5 Q All right. Please turn to Bates number 1520. Do
6 you see this K-1 form?
7 A Yes, I do.
8 Q Okay. And that K-1 is your K-1 for your 50-percent
9 interest, correct?
10 MR. GOLDSTEIN: Objection, mis-states.
11 THE DEFENDANT: I actually don't know what --
12 MR. GOLDSTEIN: Obje --
13 THE DEFENDANT: -- this --
14 MR. GOLDSTEIN: Hold on.
15 THE DEFENDANT: -- all means.
16 THE COURT: No, --
17 MR. GOLDSTEIN: There's an objection pending, so
18 just --
19 MR. JONES: It --
20 MR. GOLDSTEIN: -- wait, --
21 MR. JONES: -- mis-states --
22 MR. GOLDSTEIN: -- please.
23 MR. JONES: -- what?
24 THE COURT: What's your -- mis-states --

1 MR. GOLDSTEIN: You said --
2 THE COURT: -- what?
3 MR. GOLDSTEIN: -- it's her and it's not her. Isn't
4 it her corporation, or no?
5 MR. JONES: No, the MD is not.
6 MR. GOLDSTEIN: All right.
7 MR. JONES: MD is what -- it mean doctor.
8 MR. GOLDSTEIN: No, no, but --
9 MR. JONES: It doesn't mean --
10 MR. GOLDSTEIN: -- that's not for her coopera -- for
11 her doc --
12 MR. JONES: No.
13 MR. GOLDSTEIN: -- her -- all right.
14 MR. JONES: In fact, if you look --
15 MR. GOLDSTEIN: It's no problem.
16 MR. JONES: -- at line 11 -- oh, I'm sorry, I really
17 got to have my -- you have a -- I need readers. I have to
18 admit it, I need readers.
19 MR. GOLDSTEIN: It's not a problem. I withdraw it,
20 John.
21 THE COURT: Do you take back your objection?
22 MR. GOLDSTEIN: I do. I withdraw it.
23 THE COURT: Thank you, go ahead and ask your --
24 MR. JONES: At line --

1 THE COURT: -- question again.
2 BY MR. JONES:
3 Q -- 11, on the left-hand side, just below where it
4 says doctor -- or, Dr. Danka Michaels, MD, line 11, it says
5 what type of entity is this partner. What does it say there?
6 A Individual.
7 Q Okay, please turn to the next page. Do you see this
8 K-1 form?
9 A Yes, I do.
10 Q And whose is it -- who is the information about the
11 partner? Who is the partner on this one?
12 A Tom Pickens.
13 Q Okay. And at line 11, what type of entity is this
14 partner? What does it say?
15 A Individual.
16 Q Okay. If you could turn to Exhibit 51. At Bates
17 number 1533, this will be the two -- 2016 tax return for
18 Patients One. Do you see that K-1 form?
19 A 1533?
20 Q Yes, 1533.
21 A 1533. K-1, 2016.
22 Q Are you on 1533?
23 A Yes.
24 Q And is that your K-1 for 2016?

1 A It says so.

2 Q Okay. And again at line 11, it says the partner.

3 What type of partner is it? It says individual, correct?

4 A Correct.

5 (whispered conversation)

6 Q Turning to the next page, this K1 is Tom Pickens' P

7 (sic) -- K-1?

8 A Yes.

9 Q And again, it says what type of partner? It says

10 individual, correct?

11 A Correct.

12 Q Now, you still drive the Porsche Cayenne that Tom

13 bought for you, correct?

14 A I do drive a Porsche Cayenne that he bought for

15 himself.

16 Q I'm sorry?

17 A He -- I drive the Porsche Cayenne that he bought for

18 himself.

19 Q You've been driving that Porsche Cayenne since the

20 day he took you there and bought it for you, right?

21 A He bought it for the corporation, allowed me to

22 drive it.

23 Q But you still have possession of it, right?

24 A Yes.

1 Q Now, on January 18, we were informed by your
2 attorney that you were unable to proceed to trial --

3 MR. GOLDSTEIN: Objection, --

4 MR. JONES: -- on January 22 -- I'm just laying
5 foundation.

6 MR. GOLDSTEIN: Oh, okay.

7 THE COURT: Go ahead.

8 MS. LOBELLO: Want the email?

9 MR. JONES: I -- I can show you the email. But --

10 MR. GOLDSTEIN: Well, no --

11 MR. JONES: -- that you --

12 MR. GOLDSTEIN: It --

13 MR. JONES: -- were unable to --

14 MR. GOLDSTEIN: My statement would be hearsay, so --

15 MR. JONES: Well, no, it's not because you're an
16 agent for a party.

17 MR. GOLDSTEIN: No, --

18 MR. JONES: It's absolutely not hearsay.

19 MR. GOLDSTEIN: No.

20 BY MR. JONES:

21 Q It was represented that you were unable to proceed
22 to trial on January 22nd. Do you recall that?

23 A Yes.

24 MR. GOLDSTEIN: Objection, this is outside the scope

1 of my direct examination, Your Honor. And it's --

2 MR. JONES: Goes to credibility, --

3 MR. GOLDSTEIN: And it's --

4 MR. JONES: -- Your Honor.

5 MR. GOLDSTEIN: And it's irrelevant.

6 THE COURT: It has to be within the scope.

7 MR. GOLDSTEIN: Yeah.

8 MS. LOBELLO: The we can recall her on our rebuttal
9 case.

10 MR. JONES: Great. Well, --

11 THE COURT: You're going to have to --

12 MR. JONES: -- we can --

13 THE COURT: -- recall on rebuttal.

14 MR. JONES: We can go through that exercise.

15 THE COURT: Keeps it cleaner that way. Go ahead.

16 MR. JONES: That's fine.

17 BY MR. JONES:

18 Q Now, on Friday of last week, you testified that you
19 were not making a claim for Blue Point Development. Do you
20 recall that?

21 MR. GOLDSTEIN: That --

22 THE DEFENDANT: I did --

23 THE COURT: -- that --

24 THE DEFENDANT: -- not.

1 MR. GOLDSTEIN: -- actually mis-states her
2 testimony. I don't think she said she was not, --

3 MR. JONES: Can I --

4 MR. GOLDSTEIN: -- presently.

5 MR. JONES: -- see the transcript?

6 MS. LOBELLO: Which one do you want?

7 MR. JONES: Hang on a sec. We got -- we had a -- we
8 have a new -- we have a new service that does a rush
9 transcript that's not a certified transcript and they could do
10 it in a very short period of time for like, \$1.25-a-page --
11 or, a minute. Just give me one second.

12 (whispered conversation)

13 BY MR. JONES:

14 Q The Porsche Cayenne is titled in your name, right?

15 A I changed the title.

16 BY MR. JONES:

17 Q Question from Mr. Goldstein: as part of separating
18 the assets, who was to receive Blue Point Development? We
19 never discussed it, so I just let it go. I did not claim
20 50-percent of the business and he never mentioned it. Do you
21 recall testifying to that effect?

22 A Yes.

23 Q Okay. Now, in your recent filing in the civil case

24 --

1 MR. GOLDSTEIN: Objection, relevance.

2 MR. JONES: -- you, in fact, have made a claim that

3 you are part-owner of Blue Point Development, right?

4 MR. GOLDSTEIN: Objection, relevance.

5 THE COURT: Counsel, --

6 MR. GOLDSTEIN: And I --

7 THE COURT: There's --

8 MR. JONES: It -- I --

9 MS. LOBELLO: We asked --

10 THE COURT: -- an objection.

11 MS. LOBELLO: -- the question.

12 MR. JONES: I'm impeaching her, Your Honor. She

13 said I didn't make a claim, where --

14 MR. GOLDSTEIN: In this case, right?

15 MR. JONES: No -- no, --

16 MR. GOLDSTEIN: So what --

17 MR. JONES: -- no --

18 MR. GOLDSTEIN: -- are you talking about?

19 MR. JONES: That didn't say in this case.

20 MR. GOLDSTEIN: And that --

21 MR. JONES: It was --

22 MR. GOLDSTEIN: -- that was at that time, in 2016.

23 My question, which you just read, was at that time, in 2016,

24 John.

1 MR. JONES: No, that's not --

2 MR. GOLDSTEIN: Ye --

3 MR. JONES: -- what the --

4 MS. ABRAMS: That's correct.

5 MR. JONES: -- was.

6 MR. GOLDSTEIN: Yes, it was. That's exactly what
7 the question was that --

8 THE COURT: You may answer --

9 MR. GOLDSTEIN: -- you just read.

10 THE COURT: -- the question. I'm going to overrule
11 your objection.

12 BY MR. JONES:

13 Q You are now making a claim in the civil case that
14 you're an owner of Blue Point Development, right?

15 A Yes.

16 (whispered conversation)

17 Q Now, when we were talking on Friday about the
18 ceremony, when you were talking with your lawyer about it, you
19 said Tom insisted on the ceremony, right?

20 A Yes.

21 Q And was it Tom that insisted that you use your
22 Catholic church in your hometown in your home country?

23 A No.

24 Q Was it Tom that insisted that your parents be there?

1 A No.

2 Q Was it Tom who insisted that announcements went out?

3 A Yes.

4 MR. JONES: Exhibit C.

5 MS. STOLZ: C?

6 MR. GOLDSTEIN: Yeah.

7 (whispered conversation)

8 BY MR. JONES:

9 Q I'll have you look at Exhibit C.

10 MR. GOLDSTEIN: This is not -- these are not in

11 evidence, right?

12 MR. JONES: Is C in?

13 MR. GOLDSTEIN: No.

14 THE COURT: Is C in evidence? Are any of the

15 Defendant's exhibits in evidence?

16 MR. JONES: I thought you moved it in on Friday.

17 UNIDENTIFIED VOICE: You stipulated.

18 THE COURT: It was stipulated?

19 MS. LOBELLO: Oh, it is in evidence, --

20 MR. GOLDSTEIN: Was it C?

21 MS. LOBELLO: -- just this.

22 MR. GOLDSTEIN: I miss --

23 THE COURT: C was stipulated.

24 MR. GOLDSTEIN: I'm sorry.

1 MR. JONES: Okay.

2 MR. GOLDSTEIN: C, yes. Okay, got it.

3 BY MR. JONES:

4 Q All right. Taking a look at Exhibit C, which is in
5 evidence, do you recognize this as the document from 2013,
6 that provided the commitment for the construction loan for
7 your building?

8 A No. No recollection.

9 Q Okay, do -- you don't recognize this document at
10 all?

11 A No.

12 Q Now, could you please take a look at the -- about a
13 third of the way down, it says this contin -- this commitment
14 is contingent upon accepting -- or, acceptance of the follow -
15 - following guarantors. Do you see that?

16 A Yes.

17 Q Who -- who makes up the list of the guarantors?

18 A I don't --

19 MR. GOLDSTEIN: Objection, --

20 THE DEFENDANT: -- know.

21 MR. GOLDSTEIN: -- the document speaks for itself.

22 MR. JONES: He did this all day last Friday, making
23 her read from documents, Judge.

24 MR. GOLDSTEIN: And I -- and --

1 THE COURT: I can read it myself.
2 MR. JONES: No, look -- looking at the -- you --
3 okay.
4 THE COURT: The document --
5 MR. JONES: Well, --
6 THE COURT: -- speaks for --
7 MR. JONES: -- let me --
8 THE COURT: -- itself.
9 BY MR. JONES:
10 Q -- just it this -- Tom Pickens was a required
11 guarantor on this loan, right?
12 A I don't know why.
13 THE COURT: That's not --
14 MR. JONES: I'm asking --
15 THE COURT: -- the question.
16 BY MR. JONES:
17 Q -- you if he was.
18 A It says so here.
19 Q Okay, thank you.
20 MR. JONES: I pass the witness, Your Honor.
21 THE COURT: Redirect?
22 MR. GOLDSTEIN: Thank you, Your Honor.
23 (whispered conversation)
24 REDIRECT EXAMINATION

1 BY MR. GOLDSTEIN:

2 Q Exhibit 74.

3 (Pause - whispered conversation)

4 Q You were shown Exhibit 74, which -- you see that?

5 (whispered conversation)

6 Q Okay, Exhibit 74 is the -- the PMA account ti --
7 with both, your and Tom's names on them. Do you see that?

8 A Yes.

9 Q This is what Mr. Jones referred to in his
10 questioning of you, as the joint account, right?

11 A Yes.

12 Q All right. And were you -- you recall during the
13 earlier parts of trial that they were -- well, Tom referred to
14 this as his account. Do you recall that?

15 A Yes.

16 Q All right. And who was in control of this account,
17 you or Tom?

18 A Tom.

19 Q Okay. And the -- in Exhibit 78, which is in the
20 same book there, Mr. Jones went over various deposits. Do you
21 see that -- or, do you recall him asking you those questions
22 about various deposits --

23 A Yes.

24 Q -- from your company, payments to Mr. Pickens, and

1 then his payments there? Were your payments to Mr. Pickens,
2 was that done on -- automatically?

3 A Yes, it --

4 Q And you di --

5 A -- was.

6 Q Did you go in manually every two weeks or whatever
7 and put that in?

8 A No, that's payroll.

9 Q All right. And so had that been set up prior --
10 long prior to this Exhibit 78 in 2016?

11 A Years ago.

12 Q All right. And on Bates 5857 of that same exhibit,
13 --

14 A Eight --

15 Q Do you recall what the balance was on September
16 16th? Or, excuse me, September 13th.

17 A I don't recall, but we can --

18 Q Okay.

19 A -- certainly find out. September 13th?

20 Q Just looking at the -- at the 5857.

21 A 5857, balance on which day?

22 Q Well, it's a -- there's one for September 9th and
23 then there's another one on September 15th.

24 A 15?

1 Q So --

2 A Was \$27,204.39.

3 Q All right. And the September 9th balance?

4 A September 9th was \$27,299.39.

5 Q Did you take that money when -- when you guys
6 divided -- when you executed the transfers of the deeds and
7 the assignment of interest on September 13th, did you take
8 that money?

9 A No.

10 Q Okay.

11 (Pause)

12 Q You were asked by Mr. Jones about the refinancing
13 process. Did you start the refinancing process for Queen
14 Charlotte, did you start that process prior to Tom's service
15 of the instant lawsuit on you?

16 A Yes.

17 Q Okay. And same question for the Patients One
18 refinance process. Did you start that process before service
19 of a lawsuit on you?

20 A Yes, it's the -- I started December 2016.

21 Q Okay. You were asked a question about Tom bullying
22 into a transaction and whether or not that was wrong. Do you
23 remember that?

24 A Yes.

1 Q Okay.

2 MR. GOLDSTEIN: I'm sorry, what transaction was
3 that? I'm sorry, I don't want to mis-state what you asked
4 her.

5 MR. JONES: The Lowe house is what the question was
6 based upon.

7 MR. GOLDSTEIN: Okay.

8 BY MR. GOLDSTEIN:

9 Q The Lo -- that was based on the Lowe -- the Lowe --
10 property as well, right? Do you remember that?

11 A Yes.

12 (whispered conversation)

13 Q Okay. And on that -- on that -- on the acquisition
14 of that Lowe property, how was it being acquired, originally?
15 Your name --

16 MR. JONES: Objection, this -- he already covered
17 this --

18 MR. GOLDSTEIN: Yeah, that's fine.

19 MR. JONES: -- last Friday.

20 MR. GOLDSTEIN: It's fine, John. Then I'll move on.
21 It's no problem.

22 THE COURT: Thank you.

23 MR. GOLDSTEIN: You -- you asked the question. I
24 can redirect --

1 THE COURT: You're doing --
2 MR. GOLDSTEIN: -- on it, but --
3 THE COURT: -- redirect from whatever questions he's
4 just --
5 MR. GOLDSTEIN: That's right.
6 THE COURT: -- currently covered.
7 BY MR. GOLDSTEIN:
8 Q Exhibit 50.
9 (whispered conversation)
10 Q The Bates label is 1513.
11 A I don't have 50.
12 Q I'm sorry, let me get Exhibit 50 for you. I
13 apologize if they're -- I thought they were still up there.
14 You see that?
15 A Yes.
16 Q Okay. Bates 1515, all right.
17 A 1513.
18 Q That's right. Sorry, 1513. Who signed this tax
19 return?
20 A Tom.
21 Q Okay. Do you see that on the bottom of this page,
22 here, it says sign here?
23 A I don't see the signature, but I see his name.
24 Q That's fine. Did you prepare this? You didn't

1 prepare this, did you?

2 A No.

3 Q Okay.

4 (whispered conversation)

5 Q You were asked -- you were then shown 1520. Do you
6 see that, 1520, same exhibit?

7 A Yes.

8 Q All right. And that's a K-1 for you, individually,
9 it says on line I-1, right?

10 A Yes.

11 Q Are you aware how trusts are treated in -- for tax
12 purposes?

13 A No.

14 Q Okay. All right. And then you were -- next exhibit
15 fif -- 51, there. If you could look at -- Bates label 1535.

16 A 1535.

17 Q All right. And do you see that K-1 there?

18 A Yes.

19 Q That's a K-1 indicating that, at the end there, it
20 was your -- Mich-Mich Trust was the 50-percent owner of
21 Patients One, correct?

22 MR. JONES: Objection.

23 THE DEFENDANT: It's ac --

24 MR. JONES: Are you on --

1 THE DEFENDANT: It's actually Mich-Mich Trust. It's
2 Michaels Michalecko.

3 BY MR. GOLDSTEIN:

4 Q Okay, my apologies. I didn't mean to --

5 A No --

6 Q -- mispronounce it.

7 A -- problem.

8 Q But go ahead and just answer the question for me.

9 You see how that's a 50-percent owner, right?

10 A Yes.

11 Q Partner share of losses and profits, 50-percent?

12 A Yes.

13 Q Okay. You were asked questions about the
14 refinancing of the Patients One building. Is it your
15 understanding that that refinance is complete?

16 A Yes.

17 Q And is it your understanding that Tom is no longer
18 obligated on that?

19 A Yes.

20 Q And -- and -- and that Tom, neither in his personal
21 capacity or in his capacity -- or in his trust or any of his
22 businesses, none of them, correct?

23 A Correct.

24 Q All right.

1 (whispered conversation)

2 Q You were asked some questions about charges on an
3 Amex account. And specifically, your authorized card on Tom's
4 Amex account. Do you remember those questions?

5 A Yes.

6 Q Do you have recurring automatic charges set up on
7 that card?

8 A No.

9 Q Okay. All right.

10 (Pause - whispered conversation)

11 MR. GOLDSTEIN: Court's indulgence? No further
12 questions, Your Honor.

13 MR. JONES: I just have one follow-up, Your Honor.

14 (whispered conversation)

15 RECROSS EXAMINATION

16 BY MR. JONES:

17 Q All right, I have you back on Exhibit 109, at Bates
18 826.

19 MR. GOLDSTEIN: Sorry, what is it?

20 MR. JONES: 109, Bates 826.

21 (Pause - whispered conversation)

22 BY MR. JONES:

23 Q Okay. Do you have that page in front of you?

24 A Yes, I do.

1 Q Okay. And starting at about one-third of the way
2 down on that page, it shows the charges for the Danka K.
3 Michaels card, ending -53 --

4 MR. GOLDSTEIN: -031.

5 BY MR. JONES:

6 Q -53031. About an inch from the bottom, there's a
7 charge on September 1, 2016, for \$12,241.99, to McKesson
8 Specialty Healthcare. Do you see that?

9 A Yes.

10 Q Is McKesson one of your big suppliers for your
11 medical practice?

12 A Yes.

13 Q And if you turn to the next page, Bates 827, there's
14 another charge to McKesson for \$14,421.27. Do you see that?

15 A Yes.

16 Q What was the date of that charge?

17 A September 13th.

18 Q 2016?

19 A Yes.

20 Q And that's the day that the transaction with the
21 deeds and the assignment of the LLC interest occurred?

22 A I think so.

23 MR. GOLDSTEIN: This is certainly outside the scope
24 of my redirect.

1 THE COURT: Well, it is.

2 MR. JONES: She asked -- no, he asked a question

3 about the Amex. He brought it back up. I'm done.

4 MR. GOLDSTEIN: No, no --

5 MR. JONES: That's my only question.

6 THE COURT: Okay. I'll let it stand. You may step

7 down, I -- I guess.

8 MR. JONES: I -- if he doesn't have anything

9 following up on that, then I guess --

10 THE COURT: He said he was -- he was done, right?

11 MR. GOLDSTEIN: Yes, I'm done, yes. Thank you.

12 THE COURT: All right, you may step down.

13 MR. GOLDSTEIN: Uh-huh (affirmative).

14 THE COURT: Mr. Goldstein, your next witness, if

15 any?

16 MR. GOLDSTEIN: Thank you. We call the Plaintiff,

17 please.

18 THE COURT: Mr. Pickens, take the stand. Let's re-

19 swear him for today.

20 MS. LOBELLO: Tom --

21 THE COURT: There's -- no question.

22 THE BAILIFF: Watch your step up. Remain standing,

23 face the clerk, raise your right hand.

24 (Oath administered)

1 THE PLAINTIFF: I do.

2 THOMAS A. PICKENS

3 called as a witness on behalf of the Defendant, did testify as
4 follows on:

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MR. GOLDSTEIN:

8 Q Good morning, Mr. Pickens. Are you making a claim
9 that you and Danka were legally and actually married?

10 MR. JONES: We already discussed that, Your Honor,
11 and the le -- the legal marriage issue, we said was not an
12 issue.

13 MR. GOLDSTEIN: That's not -- okay.

14 THE COURT: That's true.

15 MR. GOLDSTEIN: That's not -- well, the -- my
16 understanding of the way we discussed it was that if it was an
17 issue, we were still allowed to --

18 THE COURT: Okay.

19 MR. GOLDSTEIN: -- have our counterclaim. So I --

20 THE COURT: Let's find --

21 MR. GOLDSTEIN: -- need to know --

22 THE COURT: -- out, finally.

23 MR. JONES: No, and --

24 MR. GOLDSTEIN: I'm trying to --

1 THE COURT: I'll --

2 MR. JONES: -- and we said --

3 THE COURT: -- let him ask the one question. Go
4 ahead, ask your question again.

5 MS. LOBELLO: Calls for a legal conclusion.

6 BY

7 MR. GOLDSTEIN:

8 Q Are you claiming that you and Danka were actually
9 and legally married?

10 A I --

11 Q Yes or no, sir?

12 A -- don't know.

13 Q Yes or --

14 A I don't know how to answer that.

15 Q Yes --

16 A I've been told no.

17 Q You -- you can answer it yes or no, not what you've
18 been told, sir.

19 A Yes.

20 Q Okay, thank you. You were asked about when you
21 first met Danka, correct? That was in 2000, right?

22 A Correct.

23 Q Sorry. And you became romantically -- well, you --
24 you were still married when you met Danka, correct?

1 A Correct.

2 Q And who were you married to?

3 A Terry Meadows.

4 Q All right. And Terry -- you were married to Terry
5 in Lake Tahoe, Nevada, right?

6 A That's correct.

7 Q Okay. And do you re -- you -- did you -- you
8 obtained a marriage license, right?

9 A Yes.

10 Q And so you went down to the clerk's office and
11 filled out an application for a marriage license, you signed
12 it, Terry signed it, you provided them the necessary
13 information, --

14 A Correct.

15 Q -- and you received a marriage license, correct?

16 A Correct.

17 Q And then after you received that marriage license,
18 you went down and had your marriage ceremony, correct?

19 A Correct.

20 Q And where did you do that at?

21 A Lake Tahoe.

22 Q Right, I'm ju -- the courthouse or in a church or
23 where did you --

24 A In Harvey's Casino.

1 Q Okay. And then you got a marriage certificate from
2 that as well, correct?

3 A No.

4 Q You didn't?

5 A Whatever we -- whatever we got from the -- the
6 courthouse is what we have.

7 Q Right, and then as part of your ceremony, Harvey's
8 gave you a marriage certificate. The officiant at that --

9 A I -- I don't recall.

10 Q All right. Exhibit 2.

11 (whispered conversation)

12 Q Turn to Exhibit 2 for me. Exhibit 2 had already
13 been stipulated into evidence. This is the Slovakian
14 document, correct, and the translation, right?

15 A Correct.

16 Q This is a church document, right?

17 A I don't --

18 Q I'm sorry?

19 A I have no knowledge on what it is. I don't --

20 Q Well, let's --

21 A I can't read Slovakian.

22 Q You can look at the document, right? It says on the
23 bottom, Roman Catholic Church, LS Parish Office of the Virgin
24 Mary of the Snows (ph)*** 10:11:30, right?

1 A Fair enough.

2 Q Okay. Same thing as the top, there? Official -- I
3 don't know what that word is.

4 A Exactly.

5 Q Okay. And this document's not signed by you, right?

6 A No.

7 Q And it's not signed by Danka, right?

8 A Correct.

9 Q And this document doesn't say marriage license
10 anywhere on it, right?

11 A I can't tell you.

12 Q Right, but you can read the document.

13 A No, I can't.

14 Q Sure, you can; you have an English translation right
15 there.

16 A I -- I have part of an English translation, not a
17 complete translation.

18 Q Well, if it's not complete, then how is it in
19 evidence? You have a declaration that says this is a complete
20 translation.

21 MR. JONES: Is he arguing with the witness?

22 MR. GOLDSTEIN: I want to understand the basis of
23 his statement that it's not complete.

24 THE PLAINTIFF: What is that?

1 BY MR. GOLDSTEIN:
2 Q Turn the --
3 A Can you tell me what that says?
4 Q Move the -- your hand, please.
5 A Okay.
6 Q Bates 006 (ph)*** 10:12:36. It's my understanding,
7 this is the English translation of this document. Do you see
8 anywhere on the document where it says marriage license, sir?
9 A I would comment the same thing. It's not all in
10 English, so I don't know what it says.
11 Q You're right, it's not all in English, it's
12 translated into English. So where --
13 A Part of --
14 Q -- ever there is --
15 A -- it is.
16 Q -- a word in Slovakian, there is an English --
17 MS. LOBELLO: You can just --
18 MR. GOLDSTEIN: -- word next to it --
19 MS. LOBELLO: -- say the document --
20 MR. GOLDSTEIN: -- or below --
21 MS. LOBELLO: -- speaks for itself.
22 MR. GOLDSTEIN: -- it, correct?
23 MR. JONES: Is there a question there?
24 THE COURT: Counsel, if you --

1 MR. GOLDSTEIN: I just --

2 THE COURT: -- could just --

3 MR. GOLDSTEIN: -- want to show him.

4 THE COURT: I -- I know what you're trying to do,
5 but what you have to do is say, from the translated document,
6 do you see anything.

7 MR. GOLDSTEIN: That's what's in front of him.
8 That's what I have in front of him.

9 THE COURT: I know and --

10 MR. GOLDSTEIN: And he's saying --

11 THE COURT: -- he's trying to say that he doesn't
12 know if it's accurate or not, and it's already been brought
13 into evidence as accurate. So --

14 MR. GOLDSTEIN: That's right.

15 THE COURT: -- just ask him --

16 MR. GOLDSTEIN: So, I just --

17 THE COURT: -- what he --

18 MR. GOLDSTEIN: -- want to --

19 THE COURT: -- sees on the --

20 MR. GOLDSTEIN: I did.

21 THE COURT: -- document.

22 MR. GOLDSTEIN: I want to ask him -- I -- my only
23 question is whether or not he sees on the document, in the
24 English language, the words marriage license.

1 THE PLAINTIFF: No.

2 BY MR. GOLDSTEIN:

3 Q Thank you. You were asked a question about Danka's
4 credit and your credit in the trial a long time ago. And so
5 my question to you is, did you have any actual knowledge of
6 Danka's credit score when you started your relationship with
7 her?

8 A No.

9 Q And you didn't know anything about her credit, other
10 than the fact that she had had a bankruptcy.

11 A That's correct.

12 Q And you don't recall your credit score from -- from
13 that same time, do you?

14 A No.

15 Q Okay. You were asked a question about after you --
16 you were -- the words that were used was (sic) marriage, and
17 obviously, there was the same objection Ms. Abrams had as a
18 continuing objection.

19 MR. GOLDSTEIN: So I would just like to say,
20 obviously, if I use that word marriage, it's not any
21 admission. It's the same stipulation, okay, Your Honor?

22 THE COURT: Yes, certainly.

23 MR. GOLDSTEIN: Thank you.

24 BY MR. GOLDSTEIN:

1 Q You were -- you were asked about the payment of
2 bills after marriage. And your statement was that you could -
3 - started paying your share or whatever you could pay. Do you
4 remember that testimony?

5 A Correct.

6 Q Okay. And what was your share?

7 (No audible response)

8 Q It wasn't the mortgage, right?

9 A Yes.

10 Q And when you -- just after your marriage, your --
11 your testimony is that you were paying the mortgage?

12 A No, to --

13 Q Okay.

14 A -- in --

15 Q All right, so --

16 A I paid my share.

17 Q Right. And so your share was not the mortgage and
18 it was not the utilities, right?

19 MS. LOBELLO: That's not what he said.

20 THE PLAINTIFF: I -- I can't tell you what I paid.

21 BY MR. GOLDSTEIN:

22 Q Okay. Do you recall testifying about the reasons
23 why Slovakia was picked and it was for -- allegedly, for asset
24 protection purposes? Do you remember that testimony?

1 A Correct.

2 Q Okay. And you indicated that there was a
3 conversation, if you got married there, it would take much
4 more time for creditors to figure out that -- that you were
5 married, right?

6 A Correct.

7 Q Okay. Do you have any knowledge of Slovakian asset
8 protection laws?

9 A Absolutely not.

10 Q When you got divorced, you left with minimal assets,
11 right? Did I --

12 A Right.

13 Q -- understand -- okay. And you -- but you did have
14 debt as well, correct?

15 A Correct.

16 Q And Danka gave you money and paid off your credit
17 card debt. Is that right?

18 A I can't tell you for sure. I don't remember.

19 Q All right. You stated that you knew that in the
20 United States, you weren't married. Do you remember that?

21 A Correct.

22 Q Okay. And the reason that you did this was because
23 you were married in Slovakia and not in the United States,
24 right?

1 A That's correct.

2 Q Okay. And you had no assets at the time, but you
3 were concerned about asset protection and your testimony was
4 that it was because of the future, right? Whatever future
5 assets you may acquire and you wanted to shield from
6 creditors, right.

7 (Pause)

8 A Correct.

9 Q Okay. And so if you ever did acquire property in
10 the future, right, you wouldn't want any potential creditors
11 located in the U.S. to know that you were married, right?

12 A Correct.

13 Q And you didn't want any public records out there,
14 stating that you were married, right?

15 (No audible response)

16 THE COURT: Did you answer yet?

17 THE PLAINTIFF: No, I didn't --

18 THE COURT: Okay, --

19 THE PLAINTIFF: -- answer yet.

20 THE COURT: -- sorry.

21 THE PLAINTIFF: I'm going to say no to that.

22 BY MR. GOLDSTEIN:

23 Q Okay, why not? Why are you saying no?

24 A I --

1 Q If your purpose was for asset protection and not to
2 have creditors know that you were married in the United
3 States, why would you want documents publicly recorded that
4 would --

5 A Okay, --

6 Q -- say it?

7 A -- can I answer it?

8 Q Yeah.

9 Q Creditors have -- it -- the creditors were strictly
10 the lawso -- suits that Danka had on her, that if she somehow
11 got into a (sic) issue where those were -- the malpractice
12 suits were approved or agreed to, then it would take both of
13 us down, no matter what. So I didn't care if people --

14 Q Well, --

15 A -- knew we were --

16 Q -- what is the basis of your knowledge of that
17 statement?

18 MS. LOBELLO: Let him finish.

19 THE PLAINTIFF: Wha -- what's the basis?

20 BY MR. GOLDSTEIN:

21 Q Yeah. How do you know that --

22 A I actually s --

23 Q -- creditors would --

24 MR. JONES: Your Honor, ca --

1 MR. GOLDSTEIN: -- take both of --
2 MR. JONES: -- can he --
3 MR. GOLDSTEIN: -- you down?
4 MR. JONES: -- actually finish --
5 THE COURT: Let hi --
6 MR. JONES: -- the answer --
7 THE COURT: Excuse me.
8 MR. JONES: -- to the first question?
9 THE COURT: Let him --
10 MR. JONES: The answer was, why and he --
11 THE COURT: Let him --
12 MR. JONES: -- had a lot more to say.
13 MR. GOLDSTEIN: Well, then --
14 THE COURT: -- finish the question.
15 MR. GOLDSTEIN: -- then -- but I can --
16 THE COURT: Let him --
17 MR. GOLDSTEIN: -- object --
18 THE COURT: -- finish the question.
19 MR. GOLDSTEIN: -- to foundation.
20 THE COURT: You do a follow-up.
21 MR. JONES: Well -- well, --
22 THE COURT: Answer the --
23 MR. JONES: -- his question was why --
24 THE COURT: Why.

1 MR. JONES: -- and he was --

2 MR. GOLDSTEIN: Sure.

3 MR. JONES: -- explaining why.

4 MR. GOLDSTEIN: And he explains why, but he has to
5 have foundation for his explanation.

6 THE COURT: Let him answer your question.

7 MR. GOLDSTEIN: Okay.

8 THE PLAINTIFF: Okay, the -- the foundation was, I
9 saw all four malpractice suits and they were all -- or, I'm
10 going to say malpractice-pending suits because they weren't
11 finalized. So, they were really scary on both of our parts
12 because it could calculate to a large number, to the point
13 where the insurance would not cover it.

14 BY MR. GOLDSTEIN:

15 Q And how do you know that?

16 A How do I know that?

17 Q Yeah, how do you know the -- whether the insurance
18 would cover it or not?

19 A Because it -- out of knowledge of the -- the overall
20 malpractice insurance and knowing the -- the prospect of --

21 Q What is --

22 A -- you could see in the news every day.

23 MR. GOLDSTEIN: Objection, move to strike. I didn't
24 ask anything about the news.

1 THE COURT: He's giving his own reason.

2 MR. GOLDSTEIN: Okay.

3 THE PLAINTIFF: Should I continue or --

4 THE COURT: You -- finish that thought.

5 BY MR. GOLDSTEIN:

6 Q Do you have any -- I'm sorry if you weren't
7 finished.

8 A You -- the -- the amount of money that and -- and we
9 even were -- with an understanding that she could lose her
10 insurance if one or two of those actually happened.

11 Q What is your basis for your statement that she could
12 lose her insurance?

13 A We -- we had the conversation that it -- it would be
14 possible that --

15 Q Who's we?

16 A -- if she had more than one lawsuit, that the
17 insurance might drop her.

18 Q Who's we?

19 A Danka and I.

20 Q Okay. You never had a conversation with the
21 insurance company, right?

22 A No.

23 Q Okay. You never saw any of our malpractice
24 insurance documents, right?

1 A Well, yes, I did.

2 Q You did? You have a specific recollection of seeing
3 those documents in 2002, as you sit here today, almost 20
4 years later?

5 A I -- I recollect looking at insurance documents.
6 Yes, of course.

7 Q Okay.

8 A Do I rec -- do I know every detail? No, of course
9 not.

10 Q All right. You testified at trial previously, that
11 you were basically married, right?

12 (Pause)

13 A It -- if I did, I don't recollect that statement,
14 but that's -- if it's in the trial notes, --

15 Q Okay.

16 A -- okay.

17 Q And they -- and that you and Danka acted like a
18 married couple, right?

19 A Correct.

20 Q Let's talk about your doctor-patient relationship
21 with Danka. You first met Danka as her patient, correct?

22 A Correct.

23 Q And that was in 2000, right?

24 A Correct.

1 Q And then you, in 2001 -- it was around May, I think
2 is -- is when you guys started your romantic relationship,
3 right?

4 A Correct.

5 Q All right. And so then, off after 2001, were you
6 still Danka's patient?

7 A Yes.

8 Q All right. And isn't it true, sir, that after you
9 became romantically involved, that she told you she did not
10 longer (sic) wish to be your doctor, correct?

11 A Not true.

12 Q She never said that?

13 A I can't say she never said it within the -- the
14 years of 2000-2016.

15 Q Okay.

16 A I can't say when she said it, but not during that
17 time.

18 Q Okay. When is your first recollection as to when
19 that happened?

20 A I -- I can't --

21 Q At least --

22 A -- tell you.

23 Q At least some time before or around 2008, when Mr.
24 Carrillo started your care, correct?

1 A No, that's not correct.

2 Q Okay. So, then, how did it come to be, sir, that
3 Mr. Carillo started --

4 A It was real s --

5 Q -- providing care?

6 A I -- can I -- I'll explain. He was her nurse
7 practitioner. She was always busy. My case was really
8 simple. She would tell him what to do, as far as my case. He
9 would do it. She wouldn't have to deal with anything.

10 Q Right. She wouldn't have to deal with you.

11 A Yeah.

12 Q Okay, thank you.

13 A And when I went to the hospital, she was still my
14 primary care --

15 Q There's no --

16 A -- doctor.

17 Q There's no further --

18 A Okay.

19 Q -- question pending. Thank you. The -- the
20 medicines that Danka was -- well, that you were being treated
21 for -- the conditions, I'm sorry -- was gout, anxiety,
22 cholesterol, high blood pressure, right?

23 A Correct. I'm not a doctor, I can't tell you.

24 Q Okay, sure you can. You know what you are being

1 treated for. This was your testimony.

2 A Okay.

3 Q Okay? And all of these were existing --
4 pre-existing conditions before you met Dr. Michaels, correct?

5 A No.

6 Q They weren't?

7 A No.

8 Q Okay, what started after?

9 A I -- the heart condition.

10 Q Didn't you go and see her because you had a heart
11 condition?

12 A No, we met --

13 Q Is --

14 A -- in a hospital because I had a heart condition.

15 Q That -- that's right. So, your --

16 A That's correct.

17 Q -- your testimony is that that didn't start before?
18 That's how you met her.

19 A It -- well, you're saying the medications were
20 before? You --

21 Q I'm saying the medications that you were -- that the
22 conditions that you had --

23 A Okay.

24 Q -- pre-existed your relationship with Dr. Michaels,

1 correct?

2 A No.

3 Q The heart condition didn't pre-exist?

4 A No.

5 Q How -- how did it not?

6 A It did pre-exist. I had a heart atta -- I -- I had
7 a heart -- I went in the hospital -- I saw her like, three or
8 four days after I went in the hospital.

9 Q Go it.

10 A So, I -- I get what you're saying, but it wasn't --
11 I wasn't on medication for that prior to that.

12 MR. JONES: I think that they're talking about --

13 THE COURT: I think --

14 MR. JONES: -- the medication --

15 THE COURT: -- talking --

16 MR. JONES: -- question --

17 THE COURT: -- about --

18 MR. JONES: -- and the -- and the conditions
19 question.

20 THE COURT: Right. Right.

21 MR. GOLDSTEIN: Okay.

22 THE COURT: Be more clear on your question.

23 MR. GOLDSTEIN: I -- I sai -- I didn't --

24 THE COURT: When you met the doctor, --

1 THE PLAINTIFF: Okay.
2 THE COURT: -- did you already have some illnesses?
3 THE PLAINTIFF: Yes, I had --
4 THE COURT: Okay, that's --
5 THE PLAINTIFF: -- other illness, --
6 THE COURT: -- called --
7 THE PLAINTIFF: -- yes.
8 THE COURT: -- pre-existing --
9 THE PLAINTIFF: I had --
10 THE COURT: -- conditions.
11 THE PLAINTIFF: -- gout, I -- yes.
12 BY MR. GOLDSTEIN:
13 Q You had gout, you --
14 A Yeah.
15 Q -- had anxiety, you had high --
16 A Well, no --
17 Q -- cholesterol, and --
18 A -- I didn't have --
19 Q -- you had --
20 A -- anxiety.
21 Q -- high blood pressure, right?
22 THE COURT: No anxiety.
23 BY MR. GOLDSTEIN:
24 Q No anxiety.

1 A Well, life is anxiety, so I'm not sure I can say
2 that.

3 Q Right.

4 THE COURT: Okay.

5 MS. LOBELLO: He didn't hear everything that you
6 just rattled off, if you want to go one-by-one, please.

7 MR. GOLDSTEIN: It's the same four that I asked --

8 THE COURT: Ask him --

9 MR. GOLDSTEIN: -- questions about.

10 THE COURT: -- for each of the --

11 MR. GOLDSTEIN: Sure.

12 BY MR. GOLDSTEIN:

13 Q You had gout, right?

14 A Correct.

15 Q You had chol -- high cholesterol, right?

16 A Didn't know.

17 Q I'm sorry?

18 A I didn't know.

19 Q You didn't know.

20 A You -- no, I wasn't --

21 Q Well, --

22 A -- being treated for high cholesterol during that
23 time.

24 Q All right. High blood pressure.

1 A Didn't know.

2 Q Okay. Anxiety.

3 A Didn't know.

4 Q When did you know?

5 A After this experience.

6 Q What is this experience? What do you mean?

7 A It -- at 40 years old, going into the hospital and
8 having o -- a heart condition and being in there with
9 angiogram, stints, and everybody else comes out and says well,
10 you have a heart issue, you have high cholesterol, I mean, all
11 those things.

12 (whispered conversation)

13 Q You were -- you were admitted by your cardiologist,
14 right? That's how you were admitted by -- into the hospital,
15 correct?

16 A Actually, no.

17 Q Okay.

18 A Now, we're talking about two different times and I
19 want to make sure we're clear. I was admitted into UMC or
20 whatever that one is on the Strip, probably, three or four
21 days before I ended up in Summerlin Hospital. But I -- I
22 wasn't admitted, I went in the emergency room because I was
23 having heart issues. So, I was never admitted originally, and
24 then the follow-up a week later, I ended up in Summerlin

1 Hospital.

2 Q So -- so originally, you met with a cardiologist?

3 A Correct.

4 Q Okay. And then you had problems, called your
5 cardiologist, they told you get to the Summerlin Hospital.

6 A I -- yeah, that -- yeah, --

7 Q Okay.

8 A -- that night.

9 Q All right.

10 A I met with --

11 Q I got --

12 A Go ahead. I'm done.

13 Q I got it.

14 A Yep.

15 Q I think I -- I'm clear on that.

16 A Okay.

17 Q And you moved to Florida in or about the middle or -
18 - summer or Fall of 2015, right?

19 A Never moved to Florida.

20 Q Never. You were renting a condo in Florida, --

21 A Correct.

22 Q -- correct?

23 A That's correct.

24 Q And who were you renting that condo from?

1 A Steve Mittelstadt (ph)***10:28:38.

2 Q And Steve is the father of your girlfriend, Stacy
3 Mittelstadt?

4 A That's correct.

5 Q Okay. And you started renting that condo in or
6 around the summer or fall of 2015, right?

7 A It was the fall.

8 Q Okay. And that's when your relationship with Stacy
9 started, right?

10 A No.

11 Q And when is your rela -- when are you saying that
12 you started your relationship with Ms. Mittelstadt?

13 A I can't tell you the exact day. I don't know.

14 Q Well, you testified in your deposition that you
15 started dating in August of 2015, sir. Is that accurate?

16 A If I said that, that's what I said.

17 Q Okay. I'll just publish your deposition, then.

18 A It's the same thing with moving into the condo. I'm
19 not sure what date.

20 (Pause - whispered conversation)

21 Q In 2016, you had only seen Danka once in April for a
22 medical issue, correct?

23 A I don't recollect, but I don't believe that's true.

24 Q You don't -- you don't even recollect the April of

1 2016, seeing her, right? You don't even recall that, do you?

2 A Well, I re -- I recall going to Dr. Tingey, which
3 she told me to go to for a knee issue.

4 Q Okay, so I didn't ask you about Dr. Tingey, I asked
5 you about whether you recollected --

6 A I can't tell you what day it is. I don't remember
7 what date it was.

8 Q Okay. You don't recollect an April 2016 -- you
9 don't even recollect that, right?

10 A No.

11 Q Okay. Exhibit 3. Bates 5433, which is going to be
12 towards the end.

13 (whispered conversation)

14 Q 5433 and -34. These are the -- this is the patient
15 records for you, a summary from Dr. Michaels. And do you see
16 on there, that there was a fi -- April 15, 2016 entry that
17 says NewCo RUQ pain, epigastric pain, nausea, appetite loss,
18 et cetera? Do you see that?

19 MR. JONES: I'm sorry, what Bates number?

20 MR. GOLDSTEIN: 5433.

21 MR. JONES: The exhibit book you guys provided us
22 does not have Bates numbers on exhibit -- oh, this is --

23 (whispered conversation)

24 THE COURT: What's the Bates number?

1 MR. JONES: Oh, I'm sorry. No, no, that's our
2 exhibit book.

3 THE COURT: Exhibit 3?

4 (whispered conversation)

5 THE COURT: What was the Bate stamp, sir?

6 MR. GOLDSTEIN: It's 5432-5434. And I'm
7 particularly on 5433, at the moment.

8 (Pause - whispered conversation)

9 MR. GOLDSTEIN: Is everybody there, 5433?

10 THE COURT: Yep.

11 MR. GOLDSTEIN: Great.

12 THE COURT: I am.

13 BY MR. GOLDSTEIN:

14 Q And my question to you, sir, was you -- do you see
15 the entry in the middle, where it says 04/15/2016, NewCo RUQ
16 pain, epigastric pain, nausea, appetite loss, CAD - coronary
17 artery disease, and gout? Do you see that?

18 (No audible response)

19 Q In the middle of the page, do you see that, sir?

20 (No audible response)

21 Q You need help?

22 A Yeah, please.

23 Q 5433. Right here.

24 A All right, I just was going by the page you turned,

1 so --

2 Q That would help. That would help. Okay. You see
3 that right there?

4 (No audible response)

5 Q Do you see that? Are you there, sir? Do --

6 A Yes.

7 Q -- you see it? Okay. Does that help refresh your
8 recollection as to what you saw Dr. Michaels for in April of
9 2016?

10 (Pause - whispered conversation)

11 A Okay.

12 Q Okay. And then there's another entry on 05/14/2016,
13 with the words TEL, and then 05/16/2016, NewCo. And then it
14 says right knee pain, swelling of the right knee joint, left
15 knee pain, hip pain, pain in left hip, arthral -- arthralgia -
16 - I'm sure I butchered that -- coronary artery disease, and
17 hypertension. Do you see those?

18 A Yeah.

19 Q And does that help refresh your recollection as to
20 what you saw -- in May of 2016, what you were treated for?

21 A I know exactly what I was treated for. It was --

22 Q Okay.

23 A -- for the hip pain.

24 Q All right.

1 A For the knee pain, I'm sorry.

2 Q Right. And then you wer -- and you were -- we know,
3 in Exhibit 4, that there are prescriptions in 2016, and that
4 there is only a singular -- one single prescription in May of
5 2016 from Danka Michaels. The remainder are from Carillo,
6 right?

7 A Correct.

8 Q And then there's no other entries on 5433, between
9 May of 2016, until January of 2017, right, on 5433?

10 A What -- what page are you on?

11 A 5433.

12 Q Five --

13 THE COURT: I can't find that part.

14 MR. GOLDSTEIN: 5433.

15 THE COURT: Do you have to go back into the prior
16 exhibit?

17 MR. GOLDSTEIN: I'm sorry, Your Honor, yes.

18 THE PLAINTIFF: 5433?

19 THE COURT: Yep.

20 MR. GOLDSTEIN: Exhibit 3.

21 MR. JONES: Yeah, you had moved to four.

22 MR. GOLDSTEIN: My apologies, Your Honor.

23 THE COURT: It's --

24 MR. GOLDSTEIN: Exhibit --

1 THE COURT: -- all right.

2 MR. GOLDSTEIN: Exhibit 3.

3 BY MR. GOLDSTEIN:

4 Q Are you there, sir?

5 A Yeah.

6 A Okay. There's no entries, right, between May 20th
7 of 2016, and January 26th of 2017, right?

8 THE COURT: Document speaks for itself.

9 MR. GOLDSTEIN: That's fine.

10 THE PLAINTIFF: I actually think there is something
11 missing her -- or, you said --

12 BY MR. GOLDSTEIN:

13 Q I --

14 A -- what date?

15 Q -- didn't ask you whether there was anything
16 missing, sir.

17 A Oh, okay, --

18 Q We'll --

19 A -- fine.

20 Q -- just move on to the next page.

21 A That's fine.

22 Q You were -- you mentioned earlier that you saw Dr.
23 Tingey, right?

24 A Correct.

1 Q So, 5434, you were referred to Dr. Tingey by Danka.
2 And it says start date of May 16th and the end of -- excuse
3 me, start date of May 16, 2016, and the end date of May 16,
4 2017. Do you see that?

5 A Where's that at?

6 Q On the mi -- about the middle of the page there,
7 5434.

8 A Okay, yep, right here.

9 Q Yeah, okay. And then you were also referred to two
10 other doctors, right?

11 A Yep.

12 Q And that's a doctor Timothy Kelly, on a start date
13 on or about -- well, it says on May 20, 2016, end date of May
14 20, 2017. The reason, evaluate and treat. And then also Dr.
15 Lionel Handler, September 6th of 2016, to September 6, 2017,
16 evaluate and treat, right?

17 A Yep.

18 Q And Dr. Tingey is what kind of doctor?

19 A Orthopedic, I believe.

20 Q And Dr. Kelly is what kind of doctor?

21 A Couldn't tell you. I don't know.

22 Q And Dr. Handler is what kind of doctor?

23 A Oh, can't tell you.

24 (whispered conversation)

1 Q You were under -- you were under the care of
2 multiple doctors in this time period, right?

3 A No, those are specialists. I was not --

4 Q Well, specialists, --

5 A -- at this --

6 Q -- are doctors, --

7 A -- at time, no.

8 Q -- right?

9 A No, I was not.

10 Q Are specialist doctors, sir?

11 A Yes.

12 Q Okay. And in fact, you were seeing doctors in 2016,
13 in Florida as well, right?

14 A Correct.

15 Q And in -- in two -- in May of 2016, when Danka
16 prescribed you the medicine that's -- we referenced in Exhibit
17 4, that was a 30-day supply, you didn't actually see her in
18 May, right?

19 A As a doctor? No.

20 Q Okay. And you didn't see her at any time from April
21 of 2016, until January of 2017, as a doctor, right?

22 A Correct.

23 Q Okay.

24 A From what --

1 Q You were --
2 A -- date? I'm sorry.
3 Q You were asked about Bob Simonian --
4 A Can -- can --
5 Q -- and taxes, right? So --
6 A Can I go back and ask yo --
7 Q Nope.
8 A Okay.
9 THE COURT: No.
10 THE COURT: Your attorney --
11 MR. JONES: Well ca --
12 THE COURT: -- will take --
13 MR. GOLDSTEIN: No. The --
14 MR. JONES: Can you --
15 THE COURT: -- care of any going --
16 MR. JONES: -- refresh my --
17 MR. GOLDSTEIN: -- answer is no.
18 MR. JONES: -- recollection as to your time frame
19 that you just gave him.
20 THE COURT: The --
21 MR. GOLDSTEIN: I -- no, I ju -- it's on the record,
22 John. I'm moving on to another topic.
23 BY MR. GOLDSTEIN:
24 Q So, Mr. Si -- Simonian -- Bob Simonian is -- was

1 your CPA, correct?

2 A Correct.

3 Q Is he still your CPA?

4 A No.

5 Q Who is your CPA?

6 A I don't have one.

7 Q Did you file taxes for --

8 A Nope.

9 Q -- two -- two -- excuse me. I didn't even get the

10 year out yet.

11 A Oh, go -- go for it.

12 Q Did you file taxes for 2017?

13 A No.

14 Q Okay. How about 2018?

15 A Nope.

16 Q How about 2019?

17 A Nope.

18 Q How about 2020?

19 A Nope.

20 Q Why not?

21 A Because I was fighting a legal case. That was the

22 only thing I could do with my money. I either lose the case

23 or -- and not fight it or file taxes, so I have an accountant

24 that I'm going to get with after this and file my taxes.

1 Q After what? So are -- you're sa -- your testimony
2 is that you're filing taxes is contingent upon a lawsuit?

3 A I -- my filing taxes is, this case has taken all my
4 assets to fight to try to survive.

5 Q So, my question again is, your filing of four years'
6 of taxes is contingent upon a lawsuit?

7 A Correct.

8 Q You -- okay. 2017, you didn't file this -- this
9 lawsuit until October, right?

10 A That's correct.

11 Q The end of October, right?

12 (No audible response)

13 Q Do you recall how much in attorney's fees you paid
14 in -- between October and December of 2017?

15 A I -- I can't tell you, exactly.

16 Q It didn't take all of your assets in that two-month
17 time period, right?

18 A A lot of the assets I had between -- I -- it's hard
19 to answer that because there's other things here.

20 Q Okay. It didn't take all of your assets in that
21 two-month time period, right?

22 A Between re-establishing myself in Nevada and
23 fighting this lawsuit, yes, it did.

24 Q In that two-month time period?

1 A It wasn't two months' time period.

2 Q That's my -- well, my question was about the two-

3 month--

4 A No.

5 Q -- time period. All right. And so you could have

6 filed your 2017 taxes, right?

7 A Could have.

8 Q Okay. And you trusted Bob Simonian completely, all

9 the way up until the time of your deposition on March 7, 2019,

10 right?

11 A Correct.

12 Q And -- and you spoke with him about your filing

13 status, right?

14 A From when?

15 Q You spoke with him, right?

16 A Yeah, of -- of course.

17 Q Okay.

18 MR. JONES: Objection, foundation.

19 MR. GOLDSTEIN: Thank you.

20 MR. JONES: Even the witness --

21 MR. GOLDSTEIN: All right.

22 THE COURT: -- asked when.

23 MR. GOLDSTEIN: Any --

24 THE COURT: Correct.

1 BY MR. GOLDSTEIN:

2 Q At any time. At any time that he was --

3 A Well, you --

4 Q -- filing your taxes between 2003 and 2016, --

5 A I've had --

6 Q -- you --

7 A -- conversations with him, yes.

8 Q Right, multiple conversations with him, right?

9 THE COURT: Right?

10 THE PLAINTIFF: Right.

11 BY MR. GOLDSTEIN:

12 Q Okay. Exhibits 9-20 are you individual tax returns
13 in evidence for 2005-2016, that were electronically signed by
14 you, right?

15 A Can you re-ask that question, please?

16 Q Sure, exhi -- Exhibits 9-20 are your individual tax
17 returns for 2015 (sic) through 2016, that were electronically
18 signed by you, right?

19 A I'm assuming, yes.

20 Q Okay. So, let's go to Exhibit 9.

21 (whispered conversation)

22 Q Are you in the Exhibit 9 book? You got it?

23 A Is that it?

24 Q Perfect. Starting with Bates label 1169. I know it

1 -- really small. And on 1170, this is your 2005 U.S.
2 individual tax return, right?

3 A Correct.

4 Q And can you tell the Court, the filing status that
5 you elected?

6 MR. JONES: Judge, we'll stipulate that ele --

7 MR. GOLDSTEIN: I don't need --

8 MR. JONES: I think --

9 MR. GOLDSTEIN: -- to stipulate.

10 MR. JONES: -- it's already in evidence.

11 MR. GOLDSTEIN: It's okay, I'm going to ask the
12 questions anyway, John.

13 MR. JONES: 9-20, all say single returns.

14 MR. GOLDSTEIN: That's nice. I'm going to ask the
15 questions.

16 THE COURT: Counsel, you don't need to ask the
17 question if you're trying to make a point. I am already aware
18 that he always filed single.

19 MR. GOLDSTEIN: I got it. But -- all right.

20 THE COURT: Please don't go through that --

21 MR. GOLDSTEIN: Okay.

22 THE COURT: -- eating up of time that's not
23 necessary.

24 MR. GOLDSTEIN: I understand, Your Honor.

1 BY MR. GOLDSTEIN:

2 Q The -- on the second page, okay? All right,
3 nevermind. That's okay. Let's -- I -- I hear what you're
4 saying.

5 THE COURT: Thank you.

6 BY MR. GOLDSTEIN:

7 Q With regard to -- let's see here, Bates 1175.

8 (whispered conversation)

9 Q I'm sorry. You know what? We're just going to --
10 let's -- let's go to -- let's go to the next exhibit, Exhibit
11 10. Exhibit 10, you made no money in Exhibit 10, right? You
12 made no money in ex -- in 2006, right?

13 A That has to be wrong.

14 Q Well, this is your -- your tax return, signed under
15 the penalty of perjury by you. It has a zero --

16 MR. JONES: Objection, Your Honor, show me a copy
17 where he signed it. Show me the authorization where he signed
18 it for Simonian to file it.

19 MR. GOLDSTEIN: He testified that he electronically
20 sign it.

21 MR. JONES: No, that --

22 MR. GOLDSTEIN: That was --

23 MR. JONES: -- on --

24 MR. GOLDSTEIN: -- my question.

1 MR. JONES: That was on the prior exhibit.

2 MR. GOLDSTEIN: No, I asked all of them. I said
3 2005-2016, and he electronically signed them all, his
4 testimony was yes.

5 MR. JONES: Okay.

6 BY MR. GOLDSTEIN:

7 Q You made zero dollars, right?

8 A According to this document, I did. But --

9 Q Okay, --

10 A -- that --

11 Q -- thank you.

12 A -- wasn't true.

13 (whispered conversation)

14 Q The next exhibit, which is 11, you made 181 -- just
15 over \$181,000 that year, right?

16 A Correct.

17 Q And some of that money was from Station Casinos and
18 some of that money was from Station's (sic) Construction, and
19 then, obviously, you received monied from Danko Michaels -- if
20 you look at Bates 1197 and -98, those are your W-2 forms --
21 correct?

22 A Correct.

23 Q Was that in or around the time period where you
24 stopped working for the casinos and then started working for

1 the UFC-ish?

2 A No.

3 Q No? Then wha --

4 A What --

5 Q -- tell me the --

6 A Which --

7 Q -- difference.

8 A -- one? Let's --

9 Q I'm sorry.

10 A -- make sure I'm on the right one. Which one --

11 Q Yeah.

12 A -- are you talking about?

13 Q Sure. 1197 and -98. I'm just trying to understand
14 why you had two W-2, one from Station Casinos and one Station
15 Construction.

16 A Station Casinos developed their own construction
17 company and they were going to do work. And so I went from
18 being a (sic) employee of Station Casinos, into -- I was the -
19 - became the manager of the construction company for Station
20 Casinos.

21 Q And they were just two different independent legal
22 entities, I guess? Is --

23 A Yeah.

24 Q Okay.

1 A Yeah, they -- they started a new -- because they
2 wanted to do their construction themselves, so they started
3 their own construction company.

4 Q Okay. All right. And so, on tve -- 1200, on this
5 exhibit -- Bates 1200, you --

6 A Wha --

7 Q -- there's a --

8 A Which one, 1200?

9 A Yeah, 1200, right.

10 THE COURT: Can you give me the exhibit number,
11 please? Exhibit number?

12 MR. GOLDSTEIN: Oh, the same exhibit, sorry. This
13 is 12.

14 MR. JONES: It's 12.

15 THE COURT: Thank you.

16 BY MR. GOLDSTEIN:

17 Q And this document was signed under the penalty of
18 perjury and where you state -- it stated, I -- under penalty
19 of perjury, I declare that I have examined this return and
20 accompanying schedules and statements, and to the best of my
21 knowledge and belief, they are true, correct, and complete,
22 right?

23 THE COURT: It's already been asked and answered on
24 all of them. Go ahead.

1 MR. GOLDSTEIN: Okay.

2 BY MR. GOLDSTEIN:

3 Q Also, on form --

4 MR. JONES: Right?

5 BY MR. GOLDSTEIN:

6 Q Also, on form 8879, where you got an efile
7 authorization, it's the same declaration under the penalty of
8 perjury, right?

9 THE COURT: What's the Bate stamp on that?

10 MR. GOLDSTEIN: 1205.

11 THE PLAINTIFF: I'm not sure which one you're on.
12 Which --

13 BY MR. GOLDSTEIN:

14 Q Sorry, 1205.

15 A 1205?

16 Q Yeah.

17 THE COURT: Signature authorization.

18 BY MR. GOLDSTEIN:

19 Q Right in the middle, there. Same declaration,
20 right?

21 MR. JONES: But -- but this the form whereby, he
22 allegedly authorized Simonian to do it and it's not signed, so
23 the -- this --

24 MR. GOLDSTEIN: He --

1 MR. JONES: -- there is --
2 MR. GOLDSTEIN: He just --
3 MR. JONES: -- no signature.
4 MR. GOLDSTEIN: -- testified that he did it for all
5 of these.
6 MR. JONES: No, no, --
7 MR. GOLDSTEIN: Yes.
8 MR. JONES: -- he testified that he swore under oath
9 regarding the -- the submission of the returns. This is a
10 different --
11 THE COURT: Are we --
12 MR. JONES: -- signature line --
13 THE COURT: Are we --
14 MR. JONES: -- for the --
15 THE COURT: -- questioning --
16 MR. JONES: -- different form.
17 THE COURT: -- the validity of the tax forms now?
18 MR. JONES: The -- no, I -- what I'm saying is that
19 the question dealt with --
20 MR. GOLDSTEIN: This is why I have to --
21 MR. JONES: -- swearing under --
22 MR. GOLDSTEIN: -- go through --
23 MR. JONES: -- oath --
24 MR. GOLDSTEIN: -- every document.

1 MR. JONES: -- regarding this page, this specific
2 page and he -- it doesn't bear his signature. And this is the
3 page that all taxpayers have to sign to give to their CPA --
4 MR. GOLDSTEIN: That's right.
5 THE COURT: Right.
6 MR. JONES: -- so that the CPA can file with the
7 IRS.
8 MR. GOLDSTEIN: That's right. So --
9 THE COURT: Right.
10 MR. GOLDSTEIN: -- he has to give it to his CPA.
11 MR. JONES: But this --
12 MR. GOLDSTEIN: The --
13 MR. JONES: -- document --
14 MR. GOLDSTEIN: -- instructions --
15 MR. JONES: -- is not signed.
16 MR. GOLDSTEIN: The --
17 MR. JONES: This specific document --
18 THE COURT: I don't --
19 MR. JONES: -- he's talking --
20 THE COURT: -- know how --
21 MR. JONES: -- about.
22 THE COURT: -- that's going to kill this case, one
23 way or the other.
24 MR. JONES: I don't think it is either, Judge.

1 THE COURT: Then let's stop. Go.

2 MR. GOLDSTEIN: Okay, because it's -- it's
3 additional evidence of 57 documents that he signed under the
4 penalty of perjury.

5 THE COURT: I got it, Counsel.

6 MR. GOLDSTEIN: All right?

7 THE COURT: I mean, hammer me a --

8 MR. JONES: Is 57 --

9 THE COURT: Do I --

10 MR. JONES: -- facetious, or --

11 THE COURT: -- need to give --

12 MR. JONES: -- is that an --

13 THE COURT: -- you a hammer, --

14 MR. JONES: -- exact number?

15 THE COURT: -- Counsel, to hit me in the head so I
16 understand your point? I understand your point.

17 MR. GOLDSTEIN: Got it.

18 THE COURT: Thank you.

19 BY MR. GOLDSTEIN:

20 Q He was also -- you also signed a -- a form, 9325,
21 that advises you that if there's anything wrong with your
22 taxes, you've got to amend them, right?

23 A If Bob sent it to me, I signed it.

24 Q And he sent it to you, right?

1 MR. JONES: Objection, --
2 THE COURT: Counsel, --
3 MR. JONES: -- foundation.
4 THE COURT: Yes.
5 MR. JONES: There would be no way for him to know if
6 he did.
7 MR. GOLDSTEIN: There would be no way to -- for him
8 to know if --
9 THE COURT: Please --
10 MR. JONES: That's a question for --
11 THE COURT: Please --
12 MR. JONES: -- Simonian.
13 THE COURT: Please, please, please --
14 MR. GOLDSTEIN: If Bob --
15 THE COURT: -- go forward.
16 MR. GOLDSTEIN: -- sent him the document? All
17 right. I don't know how that's true.
18 BY MR. GOLDSTEIN:
19 Q You received -- again, you were receiving more money
20 from Dr. Michaels' practice that year, on 1209, right? You
21 received a -- compensation both, in the form of salary and
22 contribution to your 401k, correct?
23 A You're looking at 1209?
24 Q That's right.

1 A I see a retirement plan checked, but that's -- I
2 don't know what that means. I'm just saying it's there.

3 Q Right, you got \$8,400 in wages that were paid to you
4 and \$12,000 in compensation into the 401k, right?

5 A How much?

6 Q 12.

7 (Pause)

8 A I mean, what I see is tve -- you're talking about
9 12a?

10 Q Yes.

11 A I can't tell you where that money went. I don't
12 have a clue. Doesn't say 401 (sic.)

13 Q You're not disputing the fact that you -- Danka
14 contributed to --

15 A No.

16 Q -- your 401k? All right.

17 A No, it -- no, let's -- let's rephrase that.

18 Q Okay, I'm not --

19 A I'm not --

20 Q I'm not --

21 A -- disputing --

22 Q -- going to rephrase anything.

23 A I'm not disputing that, out of my paycheck, they
24 took 401 fees (sic) out.

1 Q That's right. And you were working for Station
2 Constructions at this time, right?

3 A That's correct. But I also was working for Danka K.
4 Michaels.

5 Q Oh, I see. You were working a full-time job at
6 Station Casinos, right?

7 A Correct.

8 Q For which they paid you \$116, --

9 MR. JONES: Objection, Your Honor --

10 MR. GOLDSTEIN: -- 769, --

11 MR. JONES: -- it mis --

12 MR. GOLDSTEIN: -- right?

13 MR. JONES: -- states the actual document itself.

14 THE COURT: I -- we don't need to go over that
15 anymore, Counsel.

16 THE PLAINTIFF: Yeah.

17 MR. JONES: But more importantly, if -- we need to
18 make sure it's not Station Casinos, it's Station Construction.
19 They're two different entities.

20 MR. GOLDSTEIN: Station Construction. That's fine.
21 It's no problem.

22 BY MR. GOLDSTEIN:

23 Q 2009 -- 2009, you were no longer working at Station
24 Construction, correct?

1 A That's correct.

2 Q You still did get a W-2 from Danka's practice,

3 right?

4 A That's correct.

5 Q 9,000 in -- dollars in wages. \$9,450, exactly,

6 correct?

7 A Correct.

8 Q And \$13,500, for a contribution to the 401k, right?

9 A Correct.

10 Q You were gambling that year as well, right?

11 A Do what?

12 Q You were gambling that year, right?

13 A Gambling?

14 Q Yeah.

15 A I don't know.

16 Q You -- you were gambling in 2000 -- even though you

17 weren't making any money, you were gambling, right?

18 A That's not true.

19 Q Okay, well, then just turn the page for me, sir, and

20 --

21 A No, that's not what I'm -- not true.

22 Q Turn --

23 THE COURT: Sir?

24 MR. GOLDSTEIN: -- the page, sir.

1 THE COURT: Just wait for the question.

2 THE PLAINTIFF: Okay. Okay.

3 BY MR. GOLDSTEIN:

4 Q That's a W-2G for certain gambling winnings,
5 correct?

6 A Fine. Correct.

7 Q And you claimed those gambling winnings on your tax
8 return, on line 21, Bates label 1211, right?

9 A Correct.

10 Q 2010, you filed a tax return in 2010, right?

11 A Correct.

12 Q And then you filed an amended return, correct?

13 A I -- whatever Bob did, I did.

14 Q Is the answer yes?

15 A Yes.

16 Q Okay. Just to be clear, sir, I want you to
17 understand, when I ask you questions about what you did, I'm
18 asking you about what you did, not what Bob did, okay?

19 A Very good, thank you.

20 Q Again, you weren't working this year, other than
21 receiving compensation from Dr. Michaels' --

22 A That --

23 Q -- business, --

24 A That --

1 Q -- correct?

2 A -- is not correct.

3 Q Oh, I'm sorry. You might have been working, but

4 your weren't earning any money, other --

5 A That's --

6 Q -- than --

7 A -- not correct.

8 Q It's not correct? Oh, okay. So, let's see here.

9 Go ahead and turn to 1229. This is Exhibit 14.

10 A Okay.

11 Q Okay? You see that? It's a W-2 from Danka's

12 practice. And then in box one, it says wages, tips, and other

13 compensation, \$9,600, right?

14 A Okay.

15 Q Okay? And then that is the amount of income that

16 you declared on your 2010, 1040-A, correct?

17 A Okay, it -- how does that say I did not work?

18 Q Sir, I asked you whether --

19 A I --

20 Q -- you earned any other income.

21 A Absolutely.

22 Q Okay, --

23 A Not income to me.

24 Q Income. All right, --

1 A Well, --
2 Q -- well, that's what --
3 A There --
4 Q I'm asking you.
5 A There's --
6 Q I'm not asking about anybody else.
7 A Well, I know.
8 Q I'm not asking about Bob, I'm not asking about your
9 friends, I'm asking about you. You're the one that's on the
10 witness stand. I want to --
11 A You --
12 Q -- know about --
13 A You --
14 Q -- you, sir.
15 A -- asked if I was working and the answer is yes.
16 Q I asked if you earned any other income, sir, other
17 than this. You said yes and I'm showing you, where is it
18 then? It's not --
19 A Blue Point --
20 Q -- on your tax return.
21 A It's Blue Point Development. That's where.
22 Q Oh, gotcha. Blue Point Development. So, Blue Point
23 Development's income is your income. That's your testimony?
24 A What's that?

1 Q Blue Point Development's income is your income.
2 That's your testimony?
3 A No, my testimony is --
4 Q Okay, I'm --
5 A -- you said I --
6 Q -- asking you --
7 A -- wasn't working.
8 Q -- about your income, sir.
9 MR. JONES: Judge, the --
10 MR. GOLDSTEIN: Its' --
11 MR. JONES: -- tax return --
12 MR. GOLDSTEIN: I want to be --
13 MR. JONES: -- speak for --
14 MR. GOLDSTEIN: -- very clear.
15 MR. JONES: -- themselves.
16 MR. GOLDSTEIN: Well, you're right, --
17 THE PLAINTIFF: I --
18 MR. GOLDSTEIN: -- and these --
19 THE PLAINTIFF: Fine.
20 MR. GOLDSTEIN: And the thing is, is that he swears
21 under the penalty of perjury that the tax returns are correct
22 and then he comes in here and he's under the penalty of
23 perjury again, and he testifies to completely different
24 things.

1 THE PLAINTIFF: No, --

2 MR. GOLDSTEIN: And I appreciate why you don't want
3 me to examine him on any of these questions, but I think it's
4 proper, right? Credibility is always an issue.

5 (Pause - whispered conversation)

6 BY MR. GOLDSTEIN:

7 Q Next exhibit. This is your Exhibit 15.

8 A What page?

9 Q First page, 1231. This is a (sic) 1040EZ, different
10 than the year's form from before. But --

11 MR. JONES: Which -- which exhibit?

12 MR. GOLDSTEIN: Huh? 15.

13 BY MR. GOLDSTEIN:

14 Q The only income you earned in this year was the
15 income you received from Danka Michaels' company and \$68 in
16 interest, correct.

17 A Correct.

18 Q Turning to the next exhibit, 15. This tax return is
19 -- indicates that you earned wages of \$13,870, and those wages
20 were from Danka Michaels' company, correct?

21 A Correct.

22 Q You earned no other income from any other source,
23 correct?

24 A Correct.

1 (whispered conversation)

2 Q The next exhibit --

3 THE COURT: For the record, could you state the name
4 of the --

5 MR. GOLDSTEIN: My --

6 THE COURT: -- exhibit?

7 MR. GOLDSTEIN: Yes, my -- my apologies, Judge.

8 THE COURT: That's all right.

9 MR. GOLDSTEIN: It's 17.

10 THE COURT: Thank you.

11 MR. JONES: We're skipping over 16?

12 MR. GOLDSTEIN: I'm sorry. No, no, we were on 16.

13 MR. JONES: Oh, okay.

14 BY MR. GOLDSTEIN:

15 Q 2013, you received income from Danka's company
16 again, \$13,370, and additional 401k contributions of \$21,730,
17 as set forth on the W-2 on Bates 1260, right?

18 A Correct.

19 Q And this is the first year that you received a W-2
20 from Blue Point Development, Inc., correct?

21 A That's correct.

22 Q And you made \$152,308, from Blue Point Development?

23 (No audible response)

24 Q According to the W-2 on the next page, 1261, right?

1 A Correct.

2 Q The next exhibit in line, 18. You again received
3 compensation from Dr. Michaels' company with wages in the
4 amount of \$22,410, and 401k contribution in the amount of
5 \$12,690, right?

6 A Correct.

7 Q This was the first year that Blue Point Development
8 started -- well, that you started receiving significant
9 compensation from it, right?

10 A Correct.

11 Q \$473,077. Is that right?

12 A Correct.

13 Q Turn to 1265. This is for the -- Scheduling E for
14 the Lowe property, right?

15 A Couldn't tell you. I don't know.

16 Q Okay, just -- if you could look at the top part on
17 section 1A, it says physical address of each property and
18 street, 7608 Lowe Avenue, Las Vegas, Nevada, 89131.

19 A Okay.

20 Q Do you see that?

21 A Yes.

22 Q Okay. So this is the Lowe -- Lowe property Schedule
23 E, right?

24 (No audible response)

1 THE COURT: He's waiting for you to say right.

2 THE PLAINTIFF: Correct.

3 MR. GOLDSTEIN: Okay.

4 THE COURT: Thank you. Go ahead.

5 BY MR. GOLDSTEIN:

6 Q And the Lowe property had a loss of \$1,440, right,
7 as indicated on line 21?

8 A Don't hear yo -- I agre -- yes, --

9 Q Okay.

10 A -- I see it.

11 Q All right. And then the next page is 1266. And
12 that's the Schedule E for Patients One, correct?

13 A Correct.

14 Q All right. And that also had a loss of \$2,048,
15 right?

16 A That's what it says. Correct.

17 Q And the next exhibit, 19. Bates 1282.

18 (whispered conversation)

19 Q Are you there, sir?

20 A Yep.

21 Q Okay. 1282 is the 2015 Schedule E for the Lowe
22 property, correct?

23 A Correct.

24 Q And it also shows a loss of \$1,197, correct?

1 A Correct.

2 Q And Schedule E, the next page, 1283. That's the
3 2015 Schedule E for Patients One, correct?

4 A Correct.

5 Q That also shows a loss of \$24,428 that year, right?

6 A Correct.

7 Q And then 2016.

8 THE COURT: Exhibit 20, Counsel?

9 MR. GOLDSTEIN: Excuse me, I'm sorry. Yes, Your
10 Honor. I'm trying to take a drink. Tw --

11 THE COURT: Thank you.

12 MR. GOLDSTEIN: Exhibit 20.

13 (whispered conversation)

14 BY MR. GOLDSTEIN:

15 Q 2020, the one -- Bates 1302. That's the Schedule E
16 of 2016, for the Lowe property, right?

17 A Correct.

18 Q And the Lowe property had a loss that year of
19 \$1,653, correct?

20 A Correct.

21 Q And -- and the next Bates label, 1303. That's the -
22 - the Schedule E from Patients One, LLC, right?

23 A Correct.

24 Q And that has a zero-dollar amount, right?

1 A Correct.

2 Q And that's because you were no longer an owner at
3 that time, correct?

4 (Pause)

5 A I mean, that's what it says. I -- so it's correct.

6 MR. GOLDSTEIN: Is this a good time to take our
7 morning break, Judge?

8 MR. JONES: I think so.

9 THE COURT: Sure. I mean, for the -- the long
10 break?

11 MR. GOLDSTEIN: No, no, --

12 MR. JONES: For --

13 MR. GOLDSTEIN: -- just a 5-10-minute break. Just -
14 -

15 THE COURT: Sure, we --

16 MR. GOLDSTEIN: -- a comfort break.

17 THE COURT: -- can take a 10-minute --

18 MR. GOLDSTEIN: That's --

19 THE COURT: -- break.

20 MR. GOLDSTEIN: -- all.

21 THE COURT: Great.

22 MR. GOLDSTEIN: All right. I do have a -- a --
23 unfortunately, I have a court appearance at 1:30, that the
24 other department would not let me out of. So if we could

1 break for lunch maybe, later, maybe around -- start at 12:30
2 and -- and go to 2:00, instead of noon to 1:30, so I can --

3 THE COURT: Any problem with that, Counsel?

4 MR. JONES: Nope.

5 THE COURT: We'll accommodate you.

6 MR. GOLDSTEIN: Thank you.

7 THE PLAINTIFF: Are we done with this one so I can
8 close it?

9 THE COURT: You can just --

10 MR. JONES: You just --

11 THE COURT: -- leave it --

12 MR. JONES: -- leave it --

13 THE COURT: -- alone.

14 MR. JONES: -- there --

15 THE COURT: They'll -- they'll come get them.

16 MR. JONES: -- until we come back.

17 THE COURT: Yeah.

18 THE PLAINTIFF: Thank you.

19 MR. GOLDSTEIN: But the answer is yes, I'm not going
20 to use it.

21 THE PLAINTIFF: Can I step down?

22 (Off record)

23 THE COURT: Go.

24 MR. GOLDSTEIN: All right, back on the record.

1 BY MR. GOLDSTEIN:

2 Q Mr. Pickens, Danka gave me \$30,000 to start Blue
3 Point, right?

4 MR. JONES: Objection, foundation as to time.

5 BY MR. GOLDSTEIN:

6 Q When it was started, Danka gave you \$30,000 to do
7 so, right?

8 A No.

9 Q No? You don't recall her giving you \$30,000?

10 THE COURT: He said no.

11 THE PLAINTIFF: When? No.

12 THE COURT: Before you started the business -- Blue
13 Point.

14 BY MR. GOLDSTEIN:

15 Q Say that again?

16 A I -- when?

17 Q At any time, did she give you \$30,000 for the
18 purpose of starting Blue Point?

19 A The answer is no.

20 Q At any time, do you recall her giving you \$30,000?

21 A Yes.

22 Q Okay. And so what are you contending that that was
23 for?

24 A In 2000 -- I -- I'm going to say 2001-2002, she sold

1 her house that her son was living in in Reno and we agreed to
2 pay off my truck so I wouldn't have any bills during the time
3 that I wasn't working. So that's what we did.

4 Q Well, that was separate. She gave you \$20,000, and
5 you traded your truck in and she gave you an additional
6 \$20,000.

7 A I don't recall that.

8 Q Okay. I'm just going to -- on your deposition, page
9 62, lines 14-16. So she gave you about \$30,000 to start Blue
10 Point Development. Answer, okay. It was originally Blue
11 Point Development and Construction, right? That was the name
12 of the corporate entity when we were originally started it,
13 right?

14 (whispered conversation)

15 A I don't recall.

16 Q I'm sorry, I just want to follow up on my other one.
17 The -- the next two questions was (sic) -- question wa -- it
18 was, so she gave you about \$30,000 to start Blue Point Deven
19 (sic) -- Development. Answer, okay. Question, right.
20 Answer, right. Page 62, lines 14-18. Sorry, back to the
21 original question, which was the name of the company was
22 originally Blue Point Development and Construction, right?

23 A I don't recall the exact name that -- in 2000-and-
24 whatever date that was.

1 (whispered conversation)

2 MR. GOLDSTEIN: Just have the Court take judicial
3 notice of the file on record with the Secretary of State's
4 office, Blue Point Development and Construction, Inc.

5 BY MR. GOLDSTEIN:

6 Q And Danka was originally a 50-percent owner of BDC,
7 as I will call it, right?

8 A Right.

9 Q And then you let that entity go into default,
10 correct?

11 A That's correct.

12 Q And then there was (sic) going to be a whole bunch
13 of fees to reinstate that company, right?

14 (No audible response)

15 Q And so you didn't reinstate it, you just filed a new
16 company and called it Blue Point Development, right?

17 A No.

18 Q Okay.

19 MR. GOLDSTEIN: Just have the Court take judicial
20 notice of the file at the Secretary of State's office with
21 regard to the fees that are owed for Blue Point Development
22 and Construction, Inc.

23 BY MR. GOLDSTEIN:

24 Q You changed the name of the entity, correct?

1 A No.

2 Q It's now called Blue Point Development, Inc.,
3 correct?

4 A That's correct. It's a new entity.

5 Q Okay. And -- and so you had this new entity because
6 you didn't want to pay the fines and the soc -- and the like,
7 associated with the previous entity, right?

8 A No.

9 Q Okay, tell me why you s -- why you changed it -- why
10 you changed entities.

11 A Two things.

12 Q All right.

13 A The first entity was going to be a construction
14 company with a contractor's license. The second one is not.

15 Q Okay. So the second one is not a construction
16 company?

17 A It's not a construction company with a license. The
18 second one is a development company and a project management
19 company.

20 Q You transferred all of the assets from Blue Point
21 Development and Construction, to Blue Point Development, Inc.,
22 correct?

23 A No.

24 Q Okay, what did you do with the assets of Blue Point

1 Development and Construction?

2 A There was (sic) no assets?

3 Q You sold them?

4 A There were none.

5 Q Okay, you didn't have any assets? No bank accounts?

6 A No.

7 Q No? No property?

8 A No.

9 Q No fixtures, no furniture, no buildings, nothing?

10 A No.

11 Q Okay. Blue Point Development is a C-corporation,

12 correct?

13 A Correct.

14 Q And you're the 100-percent shareholder. Is that

15 right?

16 A That's correct.

17 Q In 2009, '09, '10, and '11, Blue Point's address is

18 listen on its tax returns with 7373 Peak, right?

19 A Correct.

20 Q And that 7373 Peak address was Danka's medical

21 practice's address, correct?

22 A That's correct.

23 Q And you didn't pay any rent there, right?

24 A No.

1 Q Blue Point didn't pay any rent there either, --

2 A No.

3 Q -- right? Right?

4 A Correct.

5 Q Okay. You used Blue Point's bank account for
6 personal use, right?

7 A For -- at times, yes.

8 Q Yeah. And the credit card also, right?

9 A At times.

10 Q Exhibit 58.

11 (Pause - whispered conversation)

12 THE COURT: 58, Counsel?

13 MR. GOLDSTEIN: 58, yeah.

14 THE COURT: Thank you.

15 BY MR. GOLDSTEIN:

16 Q Sorry, you -- you may not have that book. Do you
17 have that book up there?

18 A No, I don't.

19 Q It's this one, here. This one.

20 A Thank you.

21 Q 58, yep.

22 (Pause - whispered conversation)

23 Q This is the 2014 form 1120 U.S. corporate income tax
24 return for the Blue Point Development, Inc., correct?

1 A Yes.

2 Q All right. And in that year, the gross revenue of
3 the company was over \$2.7-million, right?

4 A Correct.

5 Q And the total income of the company was over \$1.28-
6 million, right?

7 A Correct.

8 Q You were the only officer of the company, right?

9 A That's correct.

10 Q And your compensation was over \$473,000, --

11 A Correct.

12 Q -- in that year, right? And the company still had
13 over \$49,000 in profits that year, right?

14 A Correct.

15 Q In 2015, which is the next ex -- exhibit in line, 59
16 --

17 (Pause)

18 Q Are you there?

19 A Yeah.

20 Q Oh, okay. All right, sorry. One point -- you had a
21 -- Blue Point Development had over \$1.68-million in gross
22 revenue, right?

23 A Correct.

24 Q Total income was roughly, the same at over \$1.22-

1 million?

2 A Correct.

3 Q And you were the only officer who received
4 compensation, over \$173,000, right?

5 A That's correct.

6 Q And go -- turning to Exhibit 60 -- this is the 2016
7 form 1120 U.S. corporate income tax return for Blue Point
8 Development, Inc. And the company had over \$1.4-million in
9 gross revenue and over \$1.16-million in total income, correct?

10 A Correct.

11 Q You were -- again, were still the only officer,
12 right?

13 A Correct.

14 Q And you received \$190,000, corre -- exactly
15 \$190,000, right?

16 A Correct.

17 Q And turning to Bates label 1435, at the end of 2016,
18 according to the balance sheet for the books, which is
19 Schedule L here, the company had over 500 -- had \$524,446 in
20 building and other depreciable assets, right?

21 A Correct.

22 Q And turning to Exhibit 67, which is --

23 A Done with this one?

24 Q I think so.

1 A Okay. Thank you.

2 Q Yeah. 67.

3 (Pause)

4 Q 67 is the Blue Point Development checking accounts
5 for 2016, correct?

6 A Correct.

7 Q And so, turning to Bates 5558.

8 A 5558?

9 Q Right.

10 A Okay.

11 Q And the balance of this account on September 13th,
12 on the date of the signing of deeds and the assignment of the
13 membership interest, was \$150,660.04, right?

14 A Wha -- which ba -- you're on 5558?

15 Q Correct, sir. About a third up from the bottom,
16 there.

17 A Where do you see the balance?

18 Q On the right, where it says ending daily balance.

19 A Oh, I'm sorry. How much?

20 Q \$150,660.04. Is that right?

21 (No audible response)

22 Q Just go to the line that starts with 09/13 --
23 September 13th line and follow it all the way over to the
24 right.

1 A Okay.

2 Q Is that right?

3 A That's what it says, yes.

4 Q Okay. You didn't give Danko half of that money,
5 right, on September 13th or any time after that, did you?

6 A No.

7 Q Okay. And the company, in the following month, in
8 October had substantial receivable and deposits into the bank
9 account, in excess of \$250,000. Isn't that right?

10 A What page are you on?

11 Q Well, let's just turn to the next statement and
12 start looking at Bates 555 -- 5563.

13 THE COURT: Exhibit 68, sir?

14 MR. GOLDSTEIN: 67. No, it's just the next
15 statement.

16 THE PLAINTIFF: Fi --

17 THE COURT: 5-5 --

18 MR. GOLDSTEIN: Next month's statement --

19 THE COURT: Okay, 55 --

20 MR. GOLDSTEIN: 55 -- 5563.

21 THE COURT: Got it.

22 THE PLAINTIFF: Okay.

23 BY MR. GOLDSTEIN:

24 Q Do you see the wire transfer on 10 -- a deposit on

1 10/03, of \$40,737.36?

2 A Yes.

3 Q And then you see another deposit of -- on 10/12, for
4 \$74,817.41?

5 A Yes.

6 Q And another de -- large deposit on 10/20, for
7 \$79,611.62?

8 A Yes.

9 Q And another deposit on 10/24, for \$10,507.96?
10 (No audible response)

11 Q Right?

12 A Right.

13 Q And then on the next page, there's another large
14 deposit and a couple small ones, the large one being
15 \$40,737.36, right?

16 A Correct.

17 Q And the total deposits in the month following the
18 execution of the assignment and transfer the deeds was
19 \$251,076.28, correct?

20 A Correct.

21 Q And you received all of Blue Point when you
22 transferred those deeds and assignment of interest, right?

23 MR. JONES: Objection, calls for a legal conclusion.

24 MR. GOLDSTEIN: No, it doesn't.

1 THE COURT: Ask your question in a different manner
2 that does not call for --

3 MR. JONES: Receive --

4 THE COURT: -- a conclusion.

5 MR. JONES: -- implies a transaction.

6 MR. GOLDSTEIN: He received. That's not a legal
7 conclusion, then..

8 MR. JONES: It -- it absolutely is.

9 MR. GOLDSTEIN: No, it's not. I asked him if he
10 received Blue Point.

11 MS. LOBELLO: The judge ruled. She said ask it a
12 different --

13 MR. JONES: Is the --

14 MS. LOBELLO: -- way.

15 MR. JONES: Show me a document that shows that she
16 assigned any --

17 MR. GOLDSTEIN: That's not --

18 MR. JONES: -- interest she has.

19 MR. GOLDSTEIN: That's not -- that's not a legal
20 conclusion objection. Just because --

21 MR. JONES: It is.

22 THE COURT: Excuse me, --

23 MR. GOLDSTEIN: -- there's not a document in
24 evidence doesn't mean anything.

1 THE COURT: You guys are kind of, muddying it. Can
2 you ask your question again?

3 MR. GOLDSTEIN: I asked him if he received Blue
4 Point as a result of --

5 THE COURT: Whe --

6 MR. GOLDSTEIN: -- the si -- assi -- at the time of
7 the signing of the deeds and the assignment of interest, you
8 received Blue Point, right?

9 MR. JONES: Objection -- the -- the objection, just
10 so we're clear --

11 THE COURT: Okay.

12 MR. JONES: -- is the use of the word receive
13 implies a transaction, --

14 MR. GOLDSTEIN: He --

15 MR. JONES: -- whereby something occurs by which he
16 receives something.

17 THE COURT: I am in --

18 MR. GOLDSTEIN: That's --

19 THE COURT: -- agreement with Mr. Jones on this. I
20 need to know what you mean by received.

21 MR. GOLDSTEIN: He received the interest in the
22 company. I don't -- how -- how else to --

23 THE COURT: The -- was there a --

24 MR. JONES: I --

1 THE COURT: -- written agreement or some --

2 MR. GOLDSTEIN: Doesn't matter. I'm asking him a
3 question. Whether there's a written document or not, he (sic)
4 can certainly ask him. He can say was there a written
5 document and --

6 THE COURT: But I'm going --

7 MR. GOLDSTEIN: -- he can say no.

8 THE COURT: -- to uphold his objection that it's a
9 legal conclusions.

10 MR. GOLDSTEIN: It's not a legal conclusion.

11 THE COURT: I'm up -- I'm upholding the objection.

12 MR. GOLDSTEIN: Okay, thank you, Your Honor.

13 BY MR. GOLDSTEIN:

14 Q Well, you certainly didn't sign it over to Danko,
15 right?

16 (No audible response)

17 Q Right?

18 A No.

19 Q Okay. All right. Exhibit B.

20 A What -- what exhibit? I'm sorry.

21 MR. JONES: B.

22 THE COURT: B.

23 MR. JONES: It's in a different book.

24 BY MR. GOLDSTEIN:

1 Q B, as is bo -- I -- I'll --

2 A B?

3 Q Yeah, B, as in boy.

4 A Thank you.

5 Q You didn't pay Danka anything for Blue Point, did
6 you?

7 A Blue Point was my company, 100-percent. Why would I
8 pay her anything?

9 Q So -- so you're -- okay, good. That's good. I like
10 that answer. Thank you. Exhibit B, Bates 1050.

11 THE COURT: Did we do anything with Exhibit B? No?

12 MR. GOLDSTEIN: B, yes.

13 MR. JONES: B's already in evidence.

14 MR. GOLDSTEIN: Yeah, B --

15 THE COURT: I know --

16 MR. GOLDSTEIN: Exhibit -- the Bates label is 1050,
17 of Exhibit B. That's where I'm going --

18 THE COURT: Thank you.

19 MR. GOLDSTEIN: -- right now.

20 THE COURT: Thank you.

21 MR. GOLDSTEIN: 1050.

22 (Pause)

23 BY MR. GOLDSTEIN:

24 Q Everybody there? Let me know when you're there.

1 A 1050, right?

2 Q 1050.

3 THE COURT: Got it.

4 BY MR. GOLDSTEIN:

5 Q Okay. This is a -- the new client matter memo,
6 right? And this is for your estate planning with Shannon
7 Evans, correct?

8 A I'm -- I'm going to say correct because it --

9 Q All right. And this says it's Danka Michaels'
10 companion and not Danka Michaels' wife (sic), right?

11 THE COURT: Document speaks for itself. It that
12 says that. Go a -- go ahead.

13 MR. GOLDSTEIN: Okay.

14 BY MR. GOLDSTEIN:

15 Q Turning to the next page, then, 1051. Do you see
16 that document?

17 A Yes.

18 Q That was the estate planning questionnaire that
19 Shannon Evans gave to you as part of your estate planning,
20 right?

21 A I don't recall.

22 Q Okay. But you -- you acknowledge that that was for
23 a single individual and not for a married individual, correct?

24 A That's correct.

1 Q And you never asked her for an estate planning
2 questionnaire for a married individual, right?
3 A I directed her to do exactly what she did with
4 Danka's.
5 Q So, my question wasn't whether you directed --
6 A The answer --
7 Q -- her to do --
8 A -- is no, I never asked her about anything else. I
9 just said --
10 Q Thank you.
11 A -- copy Danka's.
12 Q All right.
13 MR. GOLDSTEIN: Move to strike everything after no.
14 THE COURT: Stricken.
15 MR. GOLDSTEIN: Thank you.
16 BY MR. GOLDSTEIN:
17 Q Bates 1068.
18 A Okay.
19 (whispered conversation)
20 Q You there?
21 A Yep.
22 Q Okay. This is your handwritten will, correct?
23 A Correct.
24 Q And your signature on it?

1 A Correct.

2 Q And you don't refer to Danka Michaels anywhere in
3 there as your wife, right?

4 A No, I don't.

5 Q Okay. And turning to the next page, 1069. This is
6 your typewritten last will and testament of Thomas Allen
7 Pickens, correct?

8 A That's correct.

9 Q And those are your initials on the bottom of page
10 one?

11 A That's correct.

12 Q And in this document, again, you represent that you
13 weren't married, correct?

14 A Correct.

15 Q And Bates 1071. That's your signature on your will,
16 right?

17 A Correct.

18 Q And as part of this, you made a declaration to two
19 witnesses who were there, correct?

20 A Correct.

21 Q And you -- and you declared to those witnesses,
22 everything in this will, correct?

23 A Correct.

24 Q Including the fact that you were single, correct?

1 Unmarried, I'm sorry.

2 A Correct.

3 Q And based upon these declarations, they signed it,
4 right?

5 A Correct.

6 Q Bates 1094. This is your LV Blue trust, correct?

7 A Correct.

8 Q And again, you represented you -- that your marital
9 status was not married, correct?

10 A Correct.

11 Q And Bates 1117. Is your signature there?

12 A Correct.

13 Q All right. And your signature is just above a
14 paragraph where you swear -- or, excuse me, where you certify
15 that that the declaration of trust correctly states the terms
16 and conditions under which the trust estate is to be held,
17 administered, and distributed, right?

18 A Correct.

19 MR. JONES: Just for a clear record, you said above.

20 MR. GOLDSTEIN: Above the signature.

21 MR. JONES: No, you said your signature is directly
22 above a paragraph that says.

23 MR. GOLDSTEIN: Oh, I'm sorry. I -- the paragraph
24 is --

1 MR. JONES: Just want --
2 MR. GOLDSTEIN: -- directly above --
3 MR. JONES: -- you to have --
4 MR. GOLDSTEIN: -- the signature.
5 MR. JONES: -- a clean record.
6 MR. GOLDSTEIN: Thank you.
7 MR. JONES: You meant below, right?
8 MR. GOLDSTEIN: The paragraph is above his
9 signature.
10 MR. JONES: Correct.
11 MR. GOLDSTEIN: That's what I meant.
12 BY MR. GOLDSTEIN:
13 Q Bates 1126. That's your signature, right?
14 A I -- correct.
15 Q And that's the waiver of conflict presented to you
16 by Shannon Evans on September 13, 2016?
17 A Correct.
18 Q And that's the one that advised you to get your own
19 counsel, right?
20 MR. JONES: Objection, Your Honor, the document
21 speaks for itself. And if he can tell me anywhere on that
22 document where it tells him to get his own counsel, I -- I'd
23 like him to actually ask an accurate question, --
24 THE COURT: Noted.

1 MR. JONES: -- based upon the document.
2 THE COURT: Counsel?
3 MR. GOLDSTEIN: It's no problem.
4 BY MR. GOLDSTEIN:
5 Q You were advised to get your own counsel, correct?
6 MR. JONES: Objection, hearsay and technically,
7 privileged.
8 MR. GOLDSTEIN: It's not privileged, Danka was
9 there.
10 MR. JONES: You don't -- you're going to --
11 THE COURT: Counsel?
12 MR. JONES: -- establish that foundation?
13 MS. ABRAMS: I'm pretty sure --
14 MR. GOLDSTEIN: That's already --
15 MS. ABRAMS: -- he testified --
16 MR. GOLDSTEIN: -- in the record.
17 MS. ABRAMS: -- to that.
18 MR. GOLDSTEIN: That's already in the record.
19 THE COURT: I believe he already testified to that
20 also, --
21 MR. GOLDSTEIN: Right.
22 THE COURT: -- that he was --
23 MR. GOLDSTEIN: That's right.
24 THE COURT: That he signed this waiver.

1 MR. JONES: Sure.

2 MR. GOLDSTEIN: Okay, fine.

3 THE COURT: Now, I don't know about -- anything
4 about being advised by anybody to do something -- get his own
5 counsel.

6 MS. ABRAMS: I thought he testified to that. I'll
7 search the transcript.

8 THE COURT: Please do, because I --

9 MR. GOLDSTEIN: I'm --

10 THE COURT: -- I really --

11 MR. GOLDSTEIN: I'm --

12 THE COURT: -- don't recall.

13 MR. GOLDSTEIN: I believe he --

14 MS. LOBELLO: Then why --

15 MR. GOLDSTEIN: -- he did.

16 MS. LOBELLO: -- are we asking the question?

17 THE COURT: I don't know.

18 MR. GOLDSTEIN: Okay.

19 MR. JONES: Right, if he already said it, --

20 MR. GOLDSTEIN: All right.

21 MR. JONES: -- then --

22 THE COURT: Right.

23 MR. GOLDSTEIN: It's no problem.

24 MR. JONES: -- you can't ask it again anyway.

1 THE COURT: Asked and answered.

2 MR. GOLDSTEIN: I want to make sure -- okay, well,
3 subject to my co-counsel looking it up, we'll do that.

4 THE COURT: Okay.

5 BY MR. GOLDSTEIN:

6 Q 1127 and -28, is the assignment and assumption of
7 membership interest from your trust to the Mich-Mich Trust,
8 right?

9 (No audible response)

10 THE COURT: His 50-percent interest to Mich-Mich?

11 MR. GOLDSTEIN: Correct.

12 THE COURT: Is that what you're asking?

13 MR. GOLDSTEIN: That's right.

14 THE PLAINTIFF: What it says, correct.

15 MR. GOLDSTEIN: Okay.

16 THE COURT: Yes.

17 BY MR. GOLDSTEIN:

18 Q And that's your signature, right?

19 A Correct.

20 Q And you acknowledge that your trust received good
21 and valuable consideration, correct?

22 MS. LOBELLO: That is --

23 MR. JONES: Objection, Your Honor --

24 MS. LOBELLO: That --

1 MR. JONES: The --
2 MS. LOBELLO: -- is contrary to the --
3 THE COURT: Ask --
4 MS. LOBELLO: -- record, Your Honor, and w --
5 MR. JONES: Right.
6 MR. GOLDSTEIN: Oh, no, no, the document itself says
7 you are the assignor. The assignor desires to assi -- assign,
8 for good and valuable consideration. It says right there.
9 MR. JONES: Right, the document speaks for itself.
10 The testimony has already been that no e -- no consideration
11 was exchanged.
12 MR. GOLDSTEIN: That's nice.
13 MS. LOBELLO: For the Defendant as well.
14 MR. GOLDSTEIN: The document --
15 MR. JONES: Yeah, by the Defendant --
16 MR. GOLDSTEIN: The doc --
17 MR. JONES: -- herself.
18 THE COURT: Excuse me.
19 MR. GOLDSTEIN: So make those arguments. That's not
20 an objection.
21 MS. LOBELLO: It's a foundation objection.
22 MR. GOLDSTEIN: No, it's not. The document is in
23 evidence already. There can't --
24 THE COURT: The document's --

1 MR. GOLDSTEIN: -- be a foundation --

2 THE COURT: -- in evidence, so he doesn't even need
3 to answer the question. It's in the document.

4 BY MR. GOLDSTEIN:

5 Q You're the as -- assignor, correct? The -- of your
6 trust, the LV Blue Trust, correct?

7 A Do what? I'm sorry.

8 Q The LV Blue Trust is the assignor, correct?

9 MR. JONES: Aga --

10 MR. GOLDSTEIN: I know they don't like the
11 documents. I know --

12 THE COURT: Counsel?

13 MR. GOLDSTEIN: -- they don't like them.

14 MR. JONES: Okay.

15 MS. LOBELLO: Ours (sic) objection --

16 MR. GOLDSTEIN: But these --

17 MS. LOBELLO: -- was --

18 MR. GOLDSTEIN: -- aren't objections.

19 MS. LOBELLO: -- sustained. The document speaks for
20 itself.

21 MR. GOLDSTEIN: No, you --

22 THE COURT: Yes, it does.

23 MR. GOLDSTEIN: -- objected to foundation.

24 MR. JONES: And I love the document, just so we're

1 all clear.

2 MR. GOLDSTEIN: Good, I'm glad you do. So do we.

3 Okay.

4 MS. LOBELLO: Don't engage him, please.

5 MR. GOLDSTEIN: Queen Charlotte.

6 THE COURT: Pardon me?

7 BY MR. GOLDSTEIN:

8 Q The Queen Charlotte property. We're going to talk
9 about Exhibit 7.

10 A What Bates?

11 Q Sorry, we're going to go to a different book and
12 we're going to go to a different exhibit.

13 THE COURT: Different topic?

14 MR. GOLDSTEIN: Yes.

15 THE COURT: Thank you. Exhibit 7?

16 MR. GOLDSTEIN: Correct.

17 THE COURT: He doesn't have that book, probably.

18 (whispered conversation)

19 MR. JONES: You know what? I'll go do it for Mr.

20 Goldstein.

21 MR. GOLDSTEIN: I'm just trying to get --

22 MR. JONES: That was --

23 MR. GOLDSTEIN: -- there first.

24 MR. JONES: -- we can save some time.

1 MR. GOLDSTEIN: Hang on.

2 (whispered conversation)

3 BY MR. GOLDSTEIN:

4 Q Before I ask you any questions about the exhibit
5 itself, you -- the pur -- the purchase price of the -- of the
6 house was approximately, \$1-million, right? \$999,000?

7 A That's correct.

8 Q All right. And you were the one who dealt with the
9 title company on this is -- right?

10 A Nope.

11 Q No? Okay, who did?

12 A Danka did.

13 Q By --

14 A We bo --

15 Q -- herself?

16 A We both did when it came --

17 Q Oh, --

18 A -- to signing, but I didn't deal with the title
19 company.

20 Q Oh, you didn't deal with it at all? Your --

21 A Well, I'm not --

22 Q -- testimony --

23 A -- going to say --

24 Q -- is that --

1 A -- at all, but --

2 Q -- you never --

3 THE COURT: Said he didn't deal with the title
4 company.

5 MR. GOLDSTEIN: Your te --

6 THE COURT: Go ahead.

7 BY MR. GOLDSTEIN:

8 Q Is your testimony that you never dealt with the
9 title company until the date that you signed the document?

10 A I don't remember.

11 Q Okay. You -- well, let's talk about the date that
12 you signed the document. Danka was at work, right?

13 A I don't remember.

14 Q You picked her up from work, right?

15 A I believe I did.

16 Q All right. During her lunch hour, right?

17 A I don't even remember what time it was.

18 Q Okay. She was busy with patients, correct?

19 A Do what?

20 Q She was busy with patients, working, right?

21 A I don't recall.

22 Q Okay. And when you got to the title company to sign
23 everything, they put a big -- big stack of documents in front
24 of you both, right?

1 A Correct.

2 Q And they kind of, tab them and --

3 A Correct.

4 Q -- say you know, here's the -- here's this document

5 and you know, and -- and they show you the tab where the

6 signature line is and you both sign, right?

7 A Correct.

8 Q And you flip to the next signature page and you look

9 at it and you sign it, right?

10 A Correct.

11 MS. LOBELLO: They explain it.

12 BY MR. GOLDSTEIN:

13 Q Okay. And because there's however many pages of

14 documents, you don't read them all, but you just go through

15 and you sign it because you -- always you'd have been there

16 for 10 hours, --

17 A Cor --

18 Q -- right?

19 A Correct.

20 Q All right. Exhibit 507 -- Exhibit 7, Bates 503,

21 please.

22 A 503?

23 Q Right. 503 and 504, is the deed. 503, 504, and

24 505.

1 A Okay.

2 Q That's a Grand Bargain (ph)*** 11:51:49 sale deed,
3 right?

4 A Okay.

5 Q Neither you, nor Danka's signatures appear on that
6 deed, right?

7 A Nope.

8 Q Okay.

9 THE COURT: That's correct, correct?

10 THE PLAINTIFF: Correct.

11 THE COURT: Okay, thank you.

12 BY MR. GOLDSTEIN:

13 Q Danka put down, approximately, \$200,000 on the house
14 from the sale of the Caparo house (ph)*** 11:52:17, right?

15 A That's correct.

16 Q And her Caparo house was owned before your
17 relationship started, right?

18 A Correct.

19 Q And you didn't put any money down, right?

20 A Nope.

21 Q And at the time that you signed the transfer the
22 deed, there was less than \$200,000 in equity, right?

23 A It -- what --

24 THE COURT: What was the question again?

1 THE PLAINTIFF: Yeah, I --

2 THE COURT: I'm sorry.

3 MR. GOLDSTEIN: At the time that he signed the tran
4 -- the deed -- at the time that he signed the deed, there was
5 less than \$200,000 in equity in the house, right?

6 MR. JONES: Objection, calls for a -- an appraisal
7 conclusion.

8 THE COURT: If --

9 MR. GOLDSTEIN: No, you --

10 THE COURT: If he knows.

11 MR. GOLDSTEIN: -- know this. We had this argument
12 last time, --

13 THE COURT: Mr. --

14 MR. GOLDSTEIN: -- okay?

15 THE COURT: -- Pickens, --

16 MR. GOLDSTEIN: He can --

17 THE COURT: -- if you --

18 MR. GOLDSTEIN: -- testify.

19 THE COURT: -- know, answer the question.

20 THE PLAINTIFF: I --

21 MR. GOLDSTEIN: He already did.

22 THE PLAINTIFF: I don't know.

23 THE COURT: Thank you.

24 BY MR. GOLDSTEIN:

1 Q All right, well, you testified at your deposition
2 that there was a loss, no equity, right?

3 A What -- in what house are you talking about?

4 Q The -- the Queen Charlotte house, sir.

5 A I -- you -- you're talking about when?

6 Q At the time that you signed over the deed, --

7 A Oh, I -- what I'm --

8 MR. JONES: Signed over --

9 THE COURT: In 2016?

10 MR. GOLDSTEIN: Yes, September 13, --

11 THE COURT: Okay.

12 THE PLAINTIFF: In --

13 BY MR. GOLDSTEIN:

14 Q -- 2016.

15 A -- 2016, I wouldn't know for sure, but I would -- it
16 -- and I -- I stated in my deposition, because of the golf
17 course, it changed -- it could change the -- the equity in the
18 house. And I believe that's what I said.

19 (whispered conversation)

20 THE COURT: I want to get the record straight on
21 your using the deposition. I believe you said you published
22 it, but I don't think --

23 MR. GOLDSTEIN: We did.

24 THE COURT: -- the clerk --

1 THE CLERK: This morning?
2 MR. GOLDSTEIN: Yes, --
3 MR. JONES: Yes, this morning.
4 MR. GOLDSTEIN: -- we --
5 MR. JONES: Sh -- he gave --
6 MR. GOLDSTEIN: Yes.
7 THE COURT: Just want to --
8 MR. JONES: -- you the original --
9 MR. GOLDSTEIN: That's right.
10 THE COURT: -- make sure that --
11 MR. JONES: -- to publish it.
12 THE COURT: -- because I don't see it open yet.
13 MR. GOLDSTEIN: That's right.
14 THE CLERK: Okay.
15 THE COURT: So I wanted to make sure that she did
16 whatever the clerks have to do for that. All right.
17 THE CLERK: I was going to go back and listen to
18 verify what --
19 THE COURT: There --
20 THE CLERK: -- was said.
21 THE COURT: -- you go. Okay, proceed. I'm sorry
22 for the interruption.
23 BY MR. GOLDSTEIN:
24 Q You -- you were -- you were saying that there -- you

1 thought that there was a claim for for a loss, not for equity
2 though, right?

3 MR. JONES: Objection, Your Honor, that's -- that's
4 -- he has to ask the same question again and get a different
5 answer before he can say you said this in your deposition.

6 THE COURT: Correct, you have to --

7 MR. GOLDSTEIN: Well, he ju --

8 THE COURT: -- ask a ques -- excuse me.

9 MR. GOLDSTEIN: Well, but he's --

10 THE COURT: If you want to impeach him, --

11 MR. GOLDSTEIN: I am not --

12 THE COURT: -- you have to ask him the question, he
13 has to give a different answer, he gets a chance to read what
14 he said previously, and explained why it's different.

15 MR. GOLDSTEIN: I'm not trying to impeach him.

16 THE COURT: Okay.

17 MR. GOLDSTEIN: He just testified in his answer. He
18 said, at my deposition, I said da-da-da-da-da-da-da. So now,
19 I'm sa -- going to say at your deposition, you claimed that
20 there was a loss, right?

21 MR. JONES: Yeah, but that's not based upon what he
22 said.

23 MR. GOLDSTEIN: Yes, it is exactly --

24 MR. JONES: No, not --

1 MR. GOLDSTEIN: -- what he said.

2 MR. JONES: -- here. Not here, in this courtroom.

3 What he --

4 MR. GOLDSTEIN: Just now.

5 MR. JONES: -- said was that --

6 THE COURT: Can you just ask him the question?

7 MR. GOLDSTEIN: Your -- you -- at the time you ex --

8 I did, okay? And this is where it's getting all screwed up.

9 Because I said at the time that you executed the deeds in
10 September of 2016, you were claiming that there was a loss, --

11 MR. JONES: And --

12 MR. GOLDSTEIN: -- correct?

13 MR. JONES: -- actually, Judge, his question was not
14 2016, it was -- and this was right after he asked the question
15 about the deed where it was purchased, --

16 THE COURT: Yes.

17 MR. JONES: -- he then said at the time you executed
18 the deeds, it was a loss. He didn't say '16, --

19 THE COURT: I recall that.

20 MR. JONES: -- the he had to clarify.

21 THE COURT: Fine.

22 MR. GOLDSTEIN: There is no other time that he
23 executed that --

24 THE COURT: So, on (sic) --

1 MR. GOLDSTEIN: -- the assignment --
2 THE COURT: -- 2016, --
3 MR. GOLDSTEIN: -- of deeds here.
4 THE COURT: -- when you signed the deed over to her.
5 Go ahead, ask your question at that time frame.
6 BY MR. GOLDSTEIN:
7 Q You were claiming that there was a loss, correct?
8 A To -- there was a loss from the value of the house.
9 That didn't mean there was a --
10 Q That's right. That's --
11 A -- there was a loss --
12 Q -- what I'm saying, there was --
13 A No, we --
14 Q -- a loss.
15 A -- it -- let me finish.
16 Q That was your claim, right?
17 A Let me finish. There was a loss in --
18 Q I -- I'm not asking you to explain it, I'm --
19 A Okay.
20 Q -- asking you if that was your claim. Loss, right?
21 MR. JONES: Ob -- objection as to the -- the
22 definition of loss, --
23 THE COURT: You can --
24 MR. JONES: -- then.

1 THE COURT: You can --
2 MR. JONES: Sh -- he's impl --
3 THE COURT: -- rehabilitate him --
4 MR. JONES: And that's --
5 THE COURT: -- on redirect.
6 MR. JONES: -- fine. That's fine.
7 THE COURT: Or -- or --
8 THE PLAINTIFF: Correct.
9 THE COURT: Cross, I --
10 THE PLAINTIFF: I'm go --
11 THE COURT: -- whatever.
12 THE PLAINTIFF: It -- yeah, I'm --
13 MR. JONES: That's fine.
14 THE PLAINTIFF: We'll get it later.
15 MR. GOLDSTEIN: Bless you, Judge.
16 THE CLERK: Bless you.
17 (Pause - whispered conversation)
18 BY MR. GOLDSTEIN:
19 Q So you would agree that she put the \$200,000 down,
20 so if it has 20 -- \$200,000 in equity, that would belong to
21 her, regardless of anything that occurred after, right?
22 (Pause)
23 A The answer is no.
24 Q Okay, well, you're not trying to take that money,

1 correct?

2 A I'm not trying to take the \$200,000 deposit, no.

3 Q Okay. You're not trying to take the \$200,000 in
4 equity, correct?

5 THE COURT: Two different questions, Counsel.

6 THE PLAINTIFF: Correct.

7 MR. GOLDSTEIN: Fine.

8 THE PLAINTIFF: Correct.

9 MR. JONES: Ju -- \$200,000 in equity --

10 MR. GOLDSTEIN: Hold on a second, I'll read his
11 deposition.

12 BY MR. GOLDSTEIN:

13 Q Question: Okay, so you would agree that if she put
14 \$200,000 down, if it has \$200,000 of equity, that would belong
15 to her, regardless of anything that occurred after? Answer:
16 I'm not trying to take that money. I'm telling you guys that
17 now. That was your testimony, right?

18 A Well, you -- yeah, I'm not --

19 Q Okay.

20 A -- disputing that.

21 Q All right, thank you. The Lowe property. You pur -
22 - that was purchased for \$129,000, correct?

23 A Correct.

24 Q And Danko put down approximately, \$29,000, correct?

1 A Correct.

2 Q And you put down zero, right?

3 A Correct.

4 Q And you were the one, again, who dealt with the
5 title company, correct?

6 A No.

7 THE COURT: I'm sorry, what was the question?

8 MR. GOLDSTEIN: He was the one who dealt with the
9 title company.

10 THE COURT: Okay, he said no. Okay, go --

11 MR. GOLDSTEIN: Is it --

12 THE COURT: -- ahead.

13 BY MR. GOLDSTEIN:

14 Q -- your testimony that you didn't have any dealings
15 with the title company until the date of the signature?

16 A It -- that's not correct. You said I didn't.

17 Q Okay.

18 A I dealt with the title company. I --

19 Q All right.

20 A Yes, I dealt with the title company --

21 Q Okay, that's --

22 A -- because at signature, we did deal with them.

23 Q All right.

24 (whispered conversation)

1 A Are we going to another book?

2 Q I'm going to look and see if I --

3 THE COURT: Just hang on. Don't try to anticipate.

4 THE PLAINTIFF: Thank you, sorry.

5 BY MR. GOLDSTEIN:

6 Q You would agree with me, on the deed of the Lowe

7 property, your sig -- the deed of the Lowe property reported

8 on 02/28/2011, from Custom Estates does not contain your

9 signature or Danka's signature on it, correct?

10 A I don't know what you're looking at.

11 Q Okay. Exhibit 8, Bates label 731.

12 A If it doesn't have my signature, it -- it doesn't

13 have it. I mean, --

14 Q That's --

15 A -- there's no use looking at it.

16 Q I'll make that representation.

17 A Okay.

18 Q All right.

19 (Pause)

20 Q During your relationship with Stacy Mittelstadt

21 (ph)*** 12:00:53, you told her about Danka's past -- the

22 terrible events of her childhood, correct?

23 A Correct.

24 Q And she -- she brought that up to Danka in the

1 communications, right?

2 A I -- I wasn't there, so I don't know.

3 Q Where were you whe -- when this happened? When?

4 A I was in Mississippi and --

5 Q You were in Mississippi.

6 A -- then when it happened, I drove back and actually,
7 saw the -- the conversation on the iPad --

8 Q Was --

9 A -- or --

10 Q Was she with you in Mississippi?

11 A No.

12 Q Okay.

13 THE COURT: She, meaning?

14 MR. GOLDSTEIN: Meaning Stacy.

15 THE COURT: Thank you.

16 BY MR. GOLDSTEIN:

17 Q She had your iPad?

18 A Yes.

19 Q Okay. But then you heard Danka testify that Danka
20 called you, correct?

21 A When?

22 Q That night, after the text messages received --

23 A There was --

24 Q -- from Stacy.

1 A -- no text messages.

2 Q Hang on. The text message from Stacy to Danko.

3 A There -- as far as I know, there wasn't. That -- I
4 don't know that.

5 Q Okay.

6 THE COURT: I'm con --

7 BY MR. GOLDSTEIN:

8 Q You don't know whether there was or --

9 A It --

10 Q -- or was not.

11 A That's correct.

12 THE COURT: I'm confused.

13 THE PLAINTIFF: I don't know.

14 MR. GOLDSTEIN: Okay.

15 THE COURT: He just said he read text messages on
16 your (sic) --

17 MR. GOLDSTEIN: That's --

18 THE COURT: -- iPad.

19 MR. GOLDSTEIN: That's what I --

20 THE PLAINTIFF: No, that's --

21 MR. GOLDSTEIN: -- thought he said.

22 THE PLAINTIFF: -- what he said, --

23 THE COURT: Well, --

24 THE PLAINTIFF: -- not me.

1 MR. GOLDSTEIN: No, no, --

2 THE COURT: Okay.

3 MR. GOLDSTEIN: -- no, you said you looked at your
4 iPad --

5 THE COURT: Yes.

6 BY MR. GOLDSTEIN:

7 Q -- and you --

8 A No, I didn't. I said she was talking to Danka when
9 I walked into the room on my iPad, which blew --

10 Q How did --

11 A -- me away.

12 Q -- that happen if you were in Mississippi?

13 A No, that happened when I got back to -- or, from
14 Mississippi. I'm sorry.

15 Q Okay, my understand of the events are, there was
16 text messages that Danka received from Stacy and then Danka
17 replied and then Danka called your phone and Stacy picked up.

18 A It --

19 Q That's all in the same evening.

20 A I'm going to say I don't have a clue on that --

21 Q All right.

22 A -- because I wasn't part of it.

23 Q Okay. So, my question to you is, how did Stacy get
24 your phone if you were in Mississippi?

1 A She didn't have my phone, she had my iPad.

2 Q How did you answer the call?

3 A Sh -- what call?

4 Q From Danka. Danka called your cell phone.

5 A That's what you're saying. I don't know if that
6 happened or not. It's -- she didn't answer it on my phone. I
7 can tell you that right now.

8 Q All right.

9 MR. JONES: You know how Facetime works, right?

10 BY MR. GOLDSTEIN:

11 Q You were -- you were -- you had broken up with Danka
12 in -- in or about January of 2016, right?

13 A Nope, that's not correct.

14 Q Okay. And -- and then later, in February, you were
15 trying to win her back, right?

16 A That -- that's not correct.

17 Q You showed up in -- here, in Las Vegas.

18 A Correct.

19 Q You showed up unannounced, right? Didn't tell Danka
20 you --

21 A Not correct.

22 Q -- were coming. You didn't tell her you were
23 coming, right?

24 MR. JONES: He already answered the question, Your

1 Honor. He said --

2 MR. GOLDSTEIN: I can't --

3 MR. JONES: -- not correct.

4 MR. GOLDSTEIN: -- hear him. I can't hear him.

5 THE COURT: He said not --

6 THE PLAINTIFF: Not --

7 THE COURT: -- correct.

8 THE PLAINTIFF: -- correct.

9 BY MR. GOLDSTEIN:

10 Q Okay, thank you. How did you communicate with Danka
11 that you were coming?

12 A I talked to Danka every single night on the iPad.

13 Q And you said honey, I'm coming to -- for Valentine's
14 Day, see you --

15 A I --

16 Q -- tomorrow?

17 A I don't recall how I communicated.

18 Q So, you don't recall -- you don't have any
19 recollection of it.

20 A I -- I'm not -- on the communication, no.

21 Q Okay.

22 (whispered conversation)

23 Q You heard Danka's testimony about diamonds from
24 Tiffany, correct?

1 A I -- yes. It -- I bought them for a blonde.

2 Q Exhibit 109.

3 A What book?

4 Q We'll get you one.

5 THE COURT: You need a Bate number?

6 THE PLAINTIFF: Which one?

7 MR. GOLDSTEIN: Exhibit 109, Bates 699.

8 (whispered conversation)

9 THE PLAINTIFF: 699?

10 MS. LOBELLO: 109.

11 THE PLAINTIFF: But --

12 BY MR. GOLDSTEIN:

13 Q 109, Bates label 699.

14 A Okay.

15 Q This is your American Express card, right?

16 A Correct.

17 Q And it -- well, I'm sorry, this is the Blue Point
18 Development American Express card, right?

19 (No audible response)

20 Q Is that right?

21 A Correct.

22 Q Okay. And on February 13, 2016, the day before
23 Valentine's Day, there's a charge, Tiffany & Company,
24 Parsippany, New Jersey in the amount of \$6,572. Do you see

1 that?

2 A Yeah.

3 Q All right. And there's a note on that charge that
4 says important yellow diamonds, correct?

5 A Correct.

6 Q And this is consistent with Danka's testimony that
7 she received yellow diamonds for a blonde, right?

8 A Not disputing it.

9 Q What's that?

10 THE COURT: Pardon me?

11 THE PLAINTIFF: Yes.

12 BY MR. GOLDSTEIN:

13 Q Okay.

14 MS. LOBELLO: He said not disputing it.

15 THE COURT: Oh, okay. I di -- I -- okay, --

16 MS. LOBELLO: Yeah, --

17 THE COURT: -- thank you.

18 MS. LOBELLO: -- Tom --

19 THE COURT: No dispute. Go ahead.

20 MS. LOBELLO: -- you've got the speak up, please.

21 BY MR. GOLDSTEIN:

22 Q Stacy was a blonde, right?

23 A Yes.

24 Q Exhibit 87.

1 MS. LOBELLO: Is this really the yellow diamond?

2 THE PLAINTIFF: Are we --

3 BY MR. GOLDSTEIN:

4 Q It's a different book, here.

5 A Okay.

6 (Pause - whispered conversation)

7 Q The shuffling of the books is --

8 A Which one?

9 Q Eight -- 87.

10 A Okay. What page?

11 Q 2792.

12 A 27 --

13 Q How did you buy Danka's diamonds, by the way?

14 A Do what?

15 Q How did you buy the -- the diamonds? How did you
16 buy them? Did you go to the store?

17 A Yeah, I went to the store.

18 Q Okay. And had them gift wrapped?

19 A Yeah.

20 Q All right. And while you were there at Tiffany's
21 that same day, you bought Stacy diamonds. Or, excuse me, some
22 fashion gold jewelry. Isn't that right?

23 A That's correct.

24 Q Okay. And that was the same day, on February 13,

1 2016, on Bates label 2792. There's a charge of \$5,088 for
2 Tiffany, but this one's on your personal Amex, right?

3 A Correct.

4 Q Is -- okay. And that was fashion gold jewelry, is
5 the notation. Is that right?

6 A Correct.

7 Q Thank you.

8 (Pause)

9 Q The -- the events that occurred started on the
10 evening of September 9th. That's when Stacy first
11 communicated with Danko, correct?

12 A I -- I don't recall the exact date, but I'm going to
13 assume that's correct.

14 Q Okay. And the time period is essentially, September
15 9th through September 13th, when the execution of the deeds
16 and assignment of interest, right?

17 A I -- assume yes.

18 Q Do you recall coming to Las Vegas?

19 A I do.

20 Q Okay. And you -- so you came to town on a flight
21 that you booked, right?

22 A Correct.

23 Q And you got here on September 10th, right?

24 A I -- I don't recall the dates or anything or all the

1 flights and all that, but I know I probably booked a flight.

2 Q Okay. September 10th of 2016 was a Saturday. Does
3 that help kind of, refresh your recollection?

4 A What's that?

5 Q September 10, 2016 was a Saturday. Does that help
6 refresh your recollection?

7 A I -- if you say so, I agree.

8 Q Okay. You stated that you took a cab from the
9 airport, right?

10 A I don't remember how and what I did, as --

11 Q Okay.

12 A -- far as how I got to wherever I went.

13 Q Danka didn't pick you up though, right?

14 A No.

15 Q Okay. And you stayed at the Red Rock, right?

16 A That's correct.

17 Q Did not stay at the Queen Charlotte residence?

18 A That's correct.

19 Q Okay. You then drove yourself to Shannon's office
20 on the morning of the 13th, correct?

21 A Yeah, I went and picked up my car.

22 Q Okay.

23 A I don't remember when.

24 Q All right. Didn't -- you didn't drive there with

1 Danka, right?

2 A No.

3 Q Okay. And so you got to Shannon's office, you were
4 presented with documents, and you signed them and you paid
5 Shannon and then you left, right?

6 A Correct.

7 Q And at no time during that, did you ever complain
8 that you were coerced, right?

9 A No.

10 Q And you never s -- Danka didn't threaten you
11 physically, correct?

12 A Physically?

13 Q Yes.

14 A No.

15 Q Okay. She didn't confine you, correct?

16 A What do you mean, confine me?

17 Q You can't leave this room unless you sign these
18 documents.

19 A No.

20 Q You're going to be forced to stay here forever,
21 right?

22 A No.

23 Q No, all right.

24 (whispered conversation)

1 MR. GOLDSTEIN: I'm sorry, one second, Judge.

2 (Parties confer briefly)

3 BY MR. GOLDSTEIN:

4 Q Sir, I just want to follow up on just some earlier
5 testimony that you said that you had spent all your assets --
6 you could either -- you could either spend all your assets or
7 file your taxes, spending all your assets on the litigation,
8 right? That was your testimony, right?

9 (No audible response)

10 Q You're nodding your head -- you have to answer orally,
11 sir.

12 A Well, the answer is yes.

13 Q Okay. So -- so, how much have you paid your
14 lawyers, to date in --

15 A To --

16 Q -- this case?

17 A -- date?

18 Q In this case.

19 A To date, correct?

20 Q Up and to today.

21 A I think --

22 MR. JONES: Can I just -- can I just ask for some
23 clarification? He had another -- a different lawyer in a -- in
24 the civil case.

1 MR. GOLDSTEIN: I --
2 MR. JONES: And --
3 MR. GOLDSTEIN: I asked him, this case, to date.
4 MR. JONES: Okay, just -- just this case.
5 THE COURT: All the lawyers you've had, --
6 MR. GOLDSTEIN: In this case, --
7 THE COURT: -- how much have you paid?
8 BY MR. GOLDSTEIN:
9 Q -- to date.
10 A All the --
11 Q How much --
12 A -- lawyers I've --
13 Q -- have you paid?
14 A -- had.
15 MR. JONES: In this case. In --
16 THE PLAINTIFF: In this --
17 MR. JONES: -- the divor --
18 THE PLAINTIFF: -- case, --
19 MR. JONES: -- in the fa -- family law case.
20 THE PLAINTIFF: -- 105. Some -- that -- that -- I
21 think that's the number. I'm not exactly sure.
22 BY MR. GOLDSTEIN:
23 Q Okay, approximately, \$105,000.
24 A Yeah.

1 Q All right. And do you know approximately, how much
2 you're owed?

3 A Probably --

4 Q How much you owe.

5 A -- another \$180,000, something ar -- like that.

6 Q You owe the -- the -- Jones and Lobello, a law firm,
7 \$180,000?

8 A I -- I th -- again, I'm thinking that's what it
9 probably is.

10 Q Okay. Is that at -- as of when?

11 A Well, I can't tell you. I don't --

12 THE COURT: It's his belief as of now.

13 THE PLAINTIFF: I -- I --

14 MR. GOLDSTEIN: Oh.

15 THE PLAINTIFF: -- believe that's what the number
16 is, --

17 MR. JONES: And we'll --

18 THE PLAINTIFF: -- as of now.

19 MR. JONES: -- be happy to be producing billing
20 records through the end of trial, when --

21 THE COURT: Sure.

22 MR. JONES: -- we get to the end.

23 (Pause - whispered conversation)

24 MR. GOLDSTEIN: Sorry, Judge, just going back to the

1 issue that we had talked about, the question of -- of whether
2 or not he was advised to get a lawyer. Ms. Abrams was able to
3 find it. It's page 236 the transcript. The question was, --
4 THE COURT: The previous --
5 MR. GOLDSTEIN: -- quest --
6 THE COURT: -- hearing transcript --
7 MR. GOLDSTEIN: Of -- of this --
8 THE COURT: -- that's been --
9 MR. GOLDSTEIN: -- trial, --
10 THE COURT: -- filed?
11 MR. GOLDSTEIN: Yes, of this trial that's --
12 THE COURT: The one --
13 MR. GOLDSTEIN: -- already --
14 THE COURT: -- that's filed --
15 MR. GOLDSTEIN: -- been filed.
16 THE COURT: -- into the record?
17 MR. GOLDSTEIN: That's correct.
18 THE COURT: Thank you.
19 MR. GOLDSTEIN: Question: did Shannon Ev --
20 MS. ABRAMS: From the 14th. Fe --
21 MR. GOLDSTEIN: I'm sorry.
22 THE COURT: Thank you.
23 MR. GOLDSTEIN: Question: did Shannon Evans -- I'm
24 sorry, did anyone tell you you should have your own lawyer?

1 Answer: Shannon suggested it at one time and we didn't do it.

2 MR. JONES: Is there any temporal reference in that
3 entire -- maybe we should look at the whole few pages and see
4 if September 13, 2016, is --

5 THE COURT: You can do that to --

6 MR. GOLDSTEIN: Fine. The question right before it.
7 Did you show up a Shannon's (sic) Evans' office with your own
8 lawyer? Answer: no. Okay? The question before that, how was
9 that supposed to happen? How are you supposed to sign deeds
10 and property to Danko? I flew into Las Vegas, she made an
11 appointment with Shannon Evans, we both met at Shannon Evans'
12 office. They produced documents. They said sign these
13 documents, I signed them, I mean, I was -- Question: did you
14 show up at Shannon Evans' office with your own lawyer?

15 Answer: no. Question: did Shannon Evans -- I'm sorry,
16 did anyone tell you you should have your own lawyer? Answer:
17 Shannon suggested it at one time and we didn't do it.

18 MS. LOBELLO: We.

19 MR. GOLDSTEIN: Okay?

20 THE COURT: Okay, thank you for the clarification
21 and for the --

22 MR. JONES: And completion.

23 THE COURT: -- research.

24 MR. JONES: Thank you.

1 THE COURT: Thank you.

2 MS. ABRAMS: And it goes on to -- I'm sorry. Right
3 after that, it specifically says on the 16th, yeah, around
4 September of 2016, yeah. So it goes on. I mean, I don't
5 think there's any doubt that they were talking about the 16th.

6 THE COURT: Thank you, Ms. Abrams. Go ahead,
7 please, Counsel.

8 MR. GOLDSTEIN: Thank you.

9 THE COURT: We've got another 15 minutes, I think.
10 Are we breaking at 12:30? Is that the idea or -- or 1:00?

11 MR. GOLDSTEIN: Yeah, no, two -- well, 12:30. I'd
12 like to try to eat somethi -- something --

13 THE COURT: We don't --

14 MR. GOLDSTEIN: -- also.

15 MS. ABRAMS: Yeah.

16 THE COURT: -- care if you eat.

17 MR. GOLDSTEIN: I know. I'll be falling over and we
18 won't get this trial done, though. If I pass out in the
19 middle of the courtroom, we'll never leave.

20 MS. LOBELLO: 12:30-2:00?

21 MR. GOLDSTEIN: I'm sorry, if -- yeah, if we could
22 just break at like, 12:30-2:00. I'm op -- listen, the -- my
23 hearing at 1:30 is against somebody who's in proper person,
24 who I don't believe is going to even appear, so it may just be

1 a matter of me --

2 THE COURT: Are you showing up in person?

3 MR. GOLDSTEIN: I'm sorry?

4 THE COURT: Are you going to be in person or --

5 MR. GOLDSTEIN: No, no, I -- I'm going to do a
6 video. So my intent is --

7 THE COURT: Very good.

8 MR. GOLDSTEIN: -- if I could go to the back room --

9 THE COURT: Okay.

10 MR. GOLDSTEIN: -- and do it, we'll -- we'll make it
11 quick.

12 THE COURT: Fine.

13 BY MR. GOLDSTEIN:

14 Q All right. And you -- okay. So you signed the --
15 the paperwork --

16 (whispered conversation)

17 Q -- at Shannon's (sic) Evans' office and -- sorry,
18 one sec. And it doesn't matter why, right?

19 MS. LOBELLO: Is that a question?

20 MR. JONES: Yeah, I --

21 THE COURT: I'm sorry, what do --

22 BY MR. GOLDSTEIN:

23 Q It doesn't matter why you signed it, right? You
24 did.

1 A Doesn't matter why I signed it?
2 Q Yeah, you did.
3 MR. JONES: Is that a question?
4 MR. GOLDSTEIN: That is a question.
5 MR. JONES: It doesn't matter why --
6 MR. GOLDSTEIN: Why you --
7 MR. JONES: -- signed it, --
8 MR. GOLDSTEIN: -- signed it.
9 THE COURT: The waiver of --
10 MR. JONES: -- is not --
11 THE COURT: -- conflict.
12 MR. JONES: -- a question.
13 THE COURT: The waiver of conflict. So, does it
14 matter whether -- why you signed it, is the question.
15 THE PLAINTIFF: I think it matters to why I signed
16 it. I mean, I -- it --
17 THE COURT: The -- that -- no, you've answered the
18 question.
19 THE PLAINTIFF: Fine.
20 THE COURT: Go ahead.
21 MR. GOLDSTEIN: All right.
22 THE PLAINTIFF: Thank you.
23 BY MR. GOLDSTEIN:
24 Q Everything that was presented to you by Ms. Abrams

1 at the deposition was correct, right?

2 MR. JONES: Objection, Your Honor, he has no idea
3 what was presented to him at his deposition.

4 THE COURT: That's too --

5 MR. GOLDSTEIN: Sure he --

6 THE COURT: -- vague --

7 MR. GOLDSTEIN: -- did.

8 THE COURT: -- and it's too --

9 MR. GOLDSTEIN: He testified to it.

10 THE COURT: -- too -- it's too general.

11 MR. GOLDSTEIN: But he testified to it.

12 THE COURT: Counsel?

13 MR. JONES: Everything that was presented to him?

14 MR. GOLDSTEIN: Everything here. I said everything
15 you have here is correct, but you don't know why you did it
16 and it doesn't matter.

17 THE COURT: What are you talking about?

18 MR. GOLDSTEIN: I signed the paperwork.

19 THE COURT: So you're talking about the --

20 MR. GOLDSTEIN: The assignment of the deeds.

21 THE COURT: Okay.

22 MR. GOLDSTEIN: And the tru -- and the -- and the
23 membership interest. You're -- you -- you recall that, right?
24 You were --

1 MR. JONES: Recall what?

2 MR. GOLDSTEIN: You were -- you were -- explained to
3 Ms. Abrams that it -- everything was correct and it didn't
4 matter why you did it.

5 THE PLAINTIFF: I also re -- recall saying that --

6 MR. GOLDSTEIN: Wait, first of all, before you
7 recall --

8 MR. JONES: That's not --

9 MR. GOLDSTEIN: -- something else, --

10 MR. JONES: -- a proper question.

11 MS. ABRAMS: Objection, non-responsive.

12 MR. GOLDSTEIN: -- you just --

13 THE COURT: It's not really --

14 MR. JONES: It's not a proper --

15 THE COURT: It's not --

16 MR. JONES: -- question.

17 THE COURT: -- really a proper question.

18 MR. GOLDSTEIN: Sure, it is.

19 MR. JONES: No, because it's -- it's -- he has to
20 ask the same question and get a different answer and then go
21 with the the transcript.

22 THE COURT: Right.

23 MR. GOLDSTEIN: I'm not --

24 THE COURT: I get --

1 MR. GOLDSTEIN: -- trying to impeach him. If I was
2 doing --
3 THE COURT: It doesn't --
4 MR. GOLDSTEIN: -- that, I --
5 THE COURT: -- matter.
6 MR. GOLDSTEIN: -- would have to try. You're right.
7 But I --
8 MS. LOBELLO: Why do you --
9 MR. GOLDSTEIN: -- didn't try --
10 MS. LOBELLO: -- keep talking about --
11 MR. GOLDSTEIN: -- to impeach him.
12 MS. LOBELLO: -- his deposition?
13 MR. GOLDSTEIN: That's correct for impeachment
14 purposes, --
15 THE COURT: But --
16 MR. GOLDSTEIN: -- but I --
17 THE COURT: -- what I'm --
18 MR. GOLDSTEIN: -- didn't do it.
19 THE COURT: -- trying to say is, I wasn't at the
20 deposition, so as a Court, I don't know what you're talking
21 about and you need to lay a --
22 MR. GOLDSTEIN: That's --
23 THE COURT: -- little something --
24 MR. GOLDSTEIN: But that's --

1 THE COURT: -- out there --
2 MR. GOLDSTEIN: -- what I just --
3 THE COURT: -- for the Court.
4 MR. GOLDSTEIN: I just explained it, Judge, as far
5 as the assignment of the deeds and the -- and the --
6 THE COURT: Well, you --
7 MR. GOLDSTEIN: -- assignment of --
8 THE COURT: -- did after --
9 MR. GOLDSTEIN: -- interest.
10 THE COURT: -- you answered (sic) the question.
11 MR. GOLDSTEIN: That's right. It's the same
12 question with the assignment of the deeds and the -- and the
13 transfer of the interest. Right?
14 MR. JONES: What -- what's the question?
15 THE COURT: At the top -- let me take a stab at it.
16 If I'm wrong, Counsel, you can re --
17 MR. GOLDSTEIN: Sure.
18 THE COURT: At the time you signed the deeds --
19 transfers, did you state or give any indication in your
20 deposition that it didn't matter why you signed it, you signed
21 it and everything was accurate?
22 THE PLAINTIFF: I -- I don't recall what I said in
23 the --
24 THE COURT: Was that --

1 THE PLAINTIFF: -- deposition.
2 THE COURT: -- the question, Counsel?
3 MR. GOLDSTEIN: Yes, Judge. I wi --
4 THE COURT: Thank you.
5 MR. GOLDSTEIN: That's fine.
6 THE COURT: He doesn't recall.
7 MR. GOLDSTEIN: Okay, then I guess I'll try to
8 refresh his recollection with the deposition.
9 MR. JONES: What's the page --
10 MR. GOLDSTEIN: Page --
11 MR. JONES: -- and the line?
12 MR. GOLDSTEIN: -- 86.
13 MS. LOBELLO: Can't hear you.
14 MR. GOLDSTEIN: Eight --
15 THE COURT: Page 86.
16 MR. GOLDSTEIN: 86, --
17 THE COURT: What line?
18 MS. LOBELLO: Thank you.
19 MR. GOLDSTEIN: -- line three.
20 THE COURT: Line three.
21 BY MR. GOLDSTEIN:
22 Q Just going to have you read this highlighted portion
23 --
24 THE COURT: To yourself.

1 BY MR. GOLDSTEIN:

2 Q This top highlighted portion right here, to
3 yourself, okay? Not the second part, just the top part. And
4 then when you're done reading this, just let me know.

5 A I'm done.

6 Q You read it all?

7 A Yeah. I mean, --

8 Q Okay.

9 A -- that's what it says.

10 Q So, does that refresh your recollection, sir, to
11 what you said?

12 (No audible response)

13 MR. JONES: Now -- now --

14 THE COURT: Does it refresh your recol --
15 recollection of what you said at the deposition?

16 MR. JONES: Page 86, line three?

17 MR. GOLDSTEIN: Lines 3-6.

18 THE COURT: 3-6.

19 MR. JONES: So, that's in response to the question,
20 so, what were you --

21 MR. GOLDSTEIN: Hold on, --

22 MR. JONES: -- afraid would --

23 MR. GOLDSTEIN: -- John, --

24 MR. JONES: -- happen?

1 MR. GOLDSTEIN: Don't -- don't -- please don't try
2 to coach him.
3 MR. JONES: He -- no --
4 MR. GOLDSTEIN: I asked him if he refreshed his
5 recollection.
6 MR. JONES: I -- I'm allowed to have completeness --
7 THE COURT: You can --
8 MR. JONES: -- with regard to this.
9 THE COURT: You can --
10 MR. GOLDSTEIN: I -- no, because I'm not reading --
11 THE COURT: Ta --
12 MR. GOLDSTEIN: -- the deposition --
13 THE COURT: Stop.
14 MR. GOLDSTEIN: -- transcript in the record.
15 THE COURT: Take a note and refresh him later on it,
16 please. We can --
17 MR. JONES: Well --
18 THE COURT: -- have this war all day long.
19 MR. JONES: Right, but if the -- if what he's trying
20 to take --
21 MR. GOLDSTEIN: No, --
22 MR. JONES: -- the ex --
23 MR. GOLDSTEIN: Judge, this --
24 MR. JONES: -- excerpt of, --

1 MR. GOLDSTEIN: -- is not --
2 MR. JONES: -- Judge, --
3 MR. GOLDSTEIN: -- an ex --
4 MR. JONES: -- is a --
5 MR. GOLDSTEIN: This is incorrect --
6 MR. JONES: -- response to a specific question.
7 MR. GOLDSTEIN: It is -- this is incorrect.
8 MR. JONES: You have to --
9 MR. GOLDSTEIN: I'm not trying --
10 MR. JONES: -- have the --
11 MR. GOLDSTEIN: -- to impeach --
12 MR. JONES: -- question --
13 MR. GOLDSTEIN: -- him.
14 MR. JONES: -- first.
15 MR. GOLDSTEIN: I'm not trying to impeach him.
16 THE COURT: Not trying to impeach him.
17 MR. GOLDSTEIN: I asked him if it refreshed his
18 recollection. Mr. Jones has --
19 MS. LOBELLO: But what's --
20 MR. GOLDSTEIN: -- his evidence
21 MS. LOBELLO: -- the question?
22 MR. GOLDSTEIN: -- confused.
23 (whispered conversation)
24 BY MR. GOLDSTEIN:

1 Q I'm sorry. You were honest in your deposition,
2 right?

3 A I -- I believe so.

4 Q All right, well, you took an oath in your
5 deposition.

6 THE COURT: He said yes. Go.

7 MR. GOLDSTEIN: He said he believes so. That's not
8 a yes. There's a difference. He believes a lot of things in
9 this case, Judge, that clearly --

10 MR. GOLDSTEIN: Your point?

11 MR. GOLDSTEIN: -- aren't true and are exactly
12 opposite --

13 THE COURT: Answer his --

14 MR. GOLDSTEIN: -- to what he --

15 THE COURT: Answer his --

16 MR. GOLDSTEIN: -- swears on the te --

17 THE COURT: -- questions yes-or-no.

18 THE PLAINTIFF: Yes.

19 BY MR. GOLDSTEIN:

20 Q Okay.

21 (whispered conversation)

22 Q Sorry, okay. You -- you -- just back to the
23 attorneys' fees issue, you -- you indicated in your testimony
24 that there were cases and so I asked you about how much fees

1 and costs you incurred in this case. But I assume, by your
2 answer, you're referencing the other pending civil matter as
3 well?

4 A That's correct.

5 Q All right. And just how much have you incurred in
6 that case? Or, --

7 A I think --

8 Q -- sorry, --

9 A -- I paid --

10 Q -- how much have you paid to-date in this --

11 A \$45,000, with another \$45,000 outstanding.

12 Q Okay.

13 A I believe those -- that's the numbers. I'm not -- I
14 can't swear to that, because I --

15 Q So, roughly, --

16 A -- don't --

17 Q Approximately, a total of \$90,000 incurred, half
18 being paid in the civil case and then, in this case, a total
19 of approximately, \$285,000, with \$105,000, actually being
20 paid.

21 A That's what I believe. Correct.

22 Q And so your total payments are, between both cases,
23 is \$150,000.

24 A What's that? Ye -- I -- that's correct.

1 Q Okay, --

2 A Paid.

3 Q -- approximately. And have you paid all -- all of
4 those payments with cash?

5 A Oh, I paid it with the credit card, which means I
6 had to pay it with cash.

7 Q Okay. So you -- you don't have any balances still
8 from attorney's fees left on your credit cards?

9 A No, I pay it -- it pa -- gets paid every month.

10 Q It gets paid every month, okay. And do you pay that
11 with the Blue Point American Express?

12 A It -- it depends. I can't tell you which one; I
13 don't know.

14 Q All right.

15 (Pause)

16 Q The reason you -- you signed these transfers, the
17 deeds and the assignment of the membership interest, is
18 because you wronged Danka. Isn't that right?

19 A That was part of it, --

20 Q Okay.

21 A -- yes.

22 Q And you -- and you said that she could take
23 everything, right?

24 A During that time, yes.